

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Staff December 17, 1990

FROM: James E. Dyer

SUBJECT: DENNIS SMITH

91-323-XA

Some of you may remember the problems that occurred between this office and Dennis Smith some time ago when he attempted to stage a rock concert on his farm in the northern part of Baltimore County. This caused a great deal of furor among the residents in the area where the rock concert was to take place ultimately resulting in a hearing before the Deputy Zoning Commissioner, Jean Jung who denied his request and appeals to the Board of Appeals and possibly Circuit Court. There were innuendos of payoffs and the Federal Agents were involved. We have not heard from Mr. Smith for several years.

Recently (December 13, 1990) I received an inquiry from Captain Zanzenbacher who has information that Mr. Smith has plans to obtain permits to hold rock concerts on his farm next summer. The purpose of this memo is to request that anyone who receives an inquiry for a gathering permit or any kind of permit for that matter, that would involve a concert on farm land withhold approval until I have had a chance to review said request for compliance to the Zoning Regulations. (the names Johnny Cash and John Denver were mentioned by Captain Zanzenbacher).

J. E. Dyer
James E. Dyer
Zoning Supervisor

JED:cer

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Rocky Powell DATE: April 16, 1991

FROM: Mr. Ed Schumann *EMS*

SUBJECT: Freedom's Manor
Storm Water Management Comment
for Special Exception and Zoning Variance

Storm water management will need to be provided for the 2 and 10 year storms unless a waiver or variance is granted for quantity control. Water quality will need to be provided for the first half inch of runoff from all new impervious areas.

ES:sp

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: April 16, 1991
Zoning Commissioner

FROM: Mr. J. James Dieter

SUBJECT: Freedom's Manor
Petition for Special Exception
#294

The Department of Environmental Protection and Resource Management has reviewed the request for a special exception to place a country club and golf course on the Dennis A. Smith property. However, we are unable to provide final recommendations with regard to the suitability of this site for the proposed use until additional information is provided for review.

The additional information requested in the attached memorandum must be provided for review. Additionally, an assessment of the potential impact of irrigation and other water needs on adjacent wells, stream baseflow, and wetlands must be provided, along with information concerning anticipated membership, number of employees, hours of operation, and food service operations to assess the adequacy of the proposed septic reserve area. Based on our preliminary assessment of the site, it appears that both water quantity and the septic location may be inadequate.

Storm water quantity management must be provided unless a waiver or variance is granted, however, water quality management must be provided and will not be waived. The developer must comply with the standards outlined in this Department's Guidelines for the Design and Maintenance of Golf Courses, dated November 15, 1990.

It can be stated at this time that the proposed use of this site is inconsistent with the purpose and intent of the RC-2 zoning classification, County Council Bill #134-89 as amended, and the Baltimore County Master Plan 1990-2000.

A final recommendation can be provided when all required information has been submitted to this Department and reviewed. Staff comments requesting this information are attached; we recommend that the developer's consultant contact the reviewers for additional information.

J. James Dieter
J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:JW:sp

cc: Mr. Donald C. Outen
Mrs. Janice B. Outen
Mr. Robert J. Aschenbrenner
Mr. Thomas L. Vidmar
Mr. Rocky O. Powell

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Donald C. Outen DATE: April 16, 1991

FROM: Mr. Rocky O. Powell *R*

SUBJECT: Freedom's Manor
Zoning Item No. 294

The Environmental Impact Review Division (EIRD) has reviewed the preliminary plan submitted with the above referenced zoning item and offers the following comments:

- Freedom's Manor is a proposed country club and executive golf course on approximately 44 acres of moderately sloping agricultural land. A small portion of the site in the northeast corner is wooded. Two first order streams combine to form a second order tributary to Little Falls (all use III waters) within the site, with adjacent non-tidal wetlands.
- The submitted plan dated January 21, 1991 shows the property lines, topography, existing land cover streams, wetlands, and the proposed improvements. The on-site stream locations and wetland delineation have been verified by this Division.
- The EIRD cannot process this special exception further and make a determination regarding the acceptability of locating a golf course on this site until additional information has been submitted for review. The following additional information must be shown on the plan:
 - Soils.
 - All streams within 200 feet of the subject property must be shown.
 - 100 year floodplain, if applicable.
 - Forest buffer. A steep slope and erodible soils analysis using this Department's guidelines dated January, 1991 will be necessary to accurately determine the forest buffer.

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- Conceptual design for management of stormwater runoff and water quality including location and method.
- The developer must follow this Department's guidelines for the Design and Maintenance of Golf Courses, dated November 15, 1990.
- An environmental impact report must be provided which includes:
 - An analysis of potential impacts of groundwater withdrawal for irrigation on wetlands and stream base-flow.
 - A narrative of how stormwater runoff and water quality will be managed, with particular emphasis on nutrients and pesticides.
 - A sampling protocol for the surface water monitoring (baseline and follow-up) that will be required.

ROP:JW:sp

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Kevin L. Sanzenbacher, Commander
Precinct #7 Cockeysville, Police Department

FROM: Mr. Dennis Smith's application
For license to operate Country Club

I've been informed that Mr. Dennis Smith has made application to the County Zoning Office for a license to operate a Country Club on his property at the intersection of Middletown and Gores Mill Roads. I've been told the next step in this process is to have a hearing before your Board. I am writing to request that I be notified of the hearing when it is scheduled.

As the Baltimore County Police Commander in the area, I have a great deal of interest in the outcome of this hearing, and would like to testify, if possible.

If you would please send me a copy of the hearing notice at the below address, it would be greatly appreciated:

Captain Kevin L. Sanzenbacher
111 Wight Avenue
Cockeysville, MD 21030

Thank you in advance for your cooperation.

C. L. Smith
Captain Kevin L. Sanzenbacher
COMMANDER, PRECINCT #7
COCKEYSVILLE STATION
BALTIMORE COUNTY POLICE DEPARTMENT

KLS/saa

P.S. If using County Mail,
we are K.S. 1102-C

91 MAR 12 2 20 PM

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#294
H.O.
I reviewed the plan regarding the petition for a special exception on 4/22/91 and advised the petitioner that we felt that the use of public tennis courts on site, some under existing Policy A-7 which states basically that they must meet 10 S. 400 or be considered as requiring principal building setbacks. After reviewing the policy the petitioner decided that this was not applicable on this site and wanted to file the petition without the suggested measures and site design changes.

John Davis 4/23/91

PS S. 406 A. 3 deals with 100' setbacks from property lines. There is a note on the plan concerning ownership of tract to be contiguous with one of my friends. I notified a petition that this is an issue if not accepted on a mitigating factor by you.

PS PS This is the same Dennis Smith case of Property which was the subject of an order of removal on Dec. 17, 1990 concerning a possible appeal of being requested for a Rock Concert on Farmland.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

June 6, 1991

887-3353

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
NE/S Middletown Rd. at Gores Mill Road
6th Election District, 3rd Councilmanic District
DENNIS G. SMITH - Petitioner
Case No. 91-323-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 31, 1991 by Dennis G. Smith, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc Dennis G. Smith, 2809 Boston Str., Suite 122, Balto., MD 21224

Clark R. Shaffer, Esquire
6 N. Court Street, Westminster, MD 21157

Robert Spellman - Spellman, Larson & Associates, Inc.
Suite 107, Jefferson Building, Towson, MD 21204

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue, Suite 300, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

91 JUN 14 15

Dear Mr. Haines,

I AM IN PROTEST AGAINST DENNIS SMITH'S PETITION FOR SPECIAL EXCEPTION TO PUT A COUNTRY CLUB, GOLF COURSE, PAVILION ON MIDDLETOWN ROAD ACROSS FROM PRETTYBOY ELEMENTARY SCHOOL.

I AM A PROPERTY OWNER ABOUT 3 MILES AWAY FROM THIS SITE. I HAVE TO FREELAND MARYLAND TO GET AWAY FROM THE NOISE AND TRAFFIC. I USE MIDDLETOWN ROAD AS MY ONLY (SHORTEST) DRIFT ROUTE TO 83 SO I CAN COMUTE INTO TOWSON. WE HAVE NO HOSPITALS OR EMERGENCY FACILITIES OUT IN THIS AREA AND I FEEL THAT ADDING ANY MORE TRAFFIC TO MIDDLETOWN ROAD WILL PREVENT ME FROM GETTING TO HELP WHEN NEEDED OR KEEP EMERGENCY VEHICLES FROM GETTING TO ME. WE DO NOT HAVE CITY WATER IN THIS AREA AND WILL NOT IN MY LIFE TIME. I AM ALSO CONCERNED ABOUT THE CHEMICALS NEEDED FOR THE GOLF COURSE GREENS GETTING INTO THE AREA'S WATER SUPPLY.

FOR THE SAKE OF OUR COMMUNITY AND SAFETY OF THE PEOPLE WHO LIVE HERE PLEASE DO NOT LET THIS LAND BE RE-ZONED.

APR 10, 1991
91-323-XA

ZONING OFFICE

Prettyboy Elementary P.M.
Middletown Rd
Freeland, Md. 21053

91-323-XA

J. Robert Haines

Zoning Commissioner

111 W. Chesapeake Ave. Rm 109

Towson, Md 21204

April 11, 1991

Mr. Haines,

On behalf of the students, parents & teachers of Prettyboy Elementary school, we would like to express concern about the appeal for zoning change on Middletown Rd.

We feel the ideas presented for the sewage by the school would not take the best interests of our students & would jeopardize safety in the area. The increasing population at Prettyboy Elementary has already presented a need for innovative ideas for parking & traffic control. The sewage in question is directly opposite our school & would not benefit our present situation. The school was to

RECEIVED
APR 10 1991
ZONING OFFICE

29037 Gore Mill Road
Freeland, Md. 21058
April 8, 1991

Mr. J. Robert Haines, Zoning Commissioner
County Office Building
111 W. Chesapeake Ave., Rm 109
Towson, Md. 21204

Dear Mr. Haines,

I am writing to express my concerns regarding Dennis Smith's petition for a special exemption to put a country club, golf course, pavilion, and other 'related uses' on 44 acres at the intersection of Middletown and Gore Mill Roads. Since I live on Gore Mill Road less than one mile from that corner, I know what a challenge it now is to enter and exit Gore Mill Road. I can only imagine the congestion and safety hazards that would result from several hundred more cars in that area.

Even more distressing is the potential drain on our water supply should such a large complex become dependent on the limited well-water system in Northern Baltimore County. The environmental concerns such as noise and water pollution, air pollution, sewage and drainage should not be overshadowed by one man's greed.

I urge you to consider all the negative effects such as zoning change would have on the country atmosphere of Freeland, and to let Mr. Smith know that the safety and environmental issues are too important to ignore. Should you need further information regarding my concerns I can be reached at 887-0607.

Sincerely,

Elaine M. Stouffer, M.P.H.

RECEIVED
APR 10 1991

ZONING OFFICE

21006 Keesey Mill Rd
Freeland, MD 21053
April 12, 1991

Mr. J. Robert Haines, Zoning Commissioner
County Office Building
111 W. Chesapeake Ave., Rm 109
Towson, MD 21204

Dear Mr. Haines:

Re: Zoning Case 91-323-XA - Hearing Date 4/16/91 9:30a.m.

I oppose the proposed Smith development plans primarily for the traffic congestion it will bring to the area. My concerns are these:

1. Middletown Road was not built to handle the additional traffic caused by cars entering and leaving an affair held at a golf course, country club or multi-use pavilion. Smith's plan outlined parking for 500 cars. A wedding, party, or concert with 500 cars would cause roadblocks on Middletown Road especially in the direction of I-83. Roads feeding into Middletown such as Walker, Gore Mill, and Bulls Sawmill certainly were not made for heavy traffic. The hilly and winding roads would be unsafe not only for non-local drivers attending site affairs who are not accustomed to driving on country roads but also to residents and local drivers who have to dodge the non-locals.

There is no plan to improve Middletown and surrounding roads. I tried to equate the proposed site with Merriweather Post Pavilion at Columbia, MD; however, they are not equal. When it was first built, I used to enjoy attending concerts at Merriweather. Traffic on MD 29 was always backed up. There is a possibility that I would enjoy attending concerts at the proposed site, but I believe the proposed development would cause similar or worse traffic backups on Middletown Road. The difference between the two sites is planning. Columbia was a planned community. Even at Columbia's beginning, there was a plan to improve MD 29. Columbia was dubbed a growth area. Parkton, Freeland and Middletown Road are NOT dubbed growth areas. They are agricultural areas. There is no plan to widen Middletown Road. Baltimore County's growth areas are White Marsh and Owings Mills.

2. Traffic congestion would delay response to police and fire calls. If the main route is clogged with a string of 500 cars, my house will burn down to the ground before the fire company volunteers can get to it, if the volunteers can even get from their houses to the station.

Traffic congestion would also impede my ability to get to a hospital at times when an ambulance is not necessarily needed. That is, when the condition needs quick attention but is not life-threatening. Middletown Road and I-83 are my links to the world--doctors and hospitals.

Maurice Coleman
19930 Gore Mill Road
Freeland, Maryland 21053
April 5, 1991

91-323-XA

APR 8 1991

ZONING OFFICE

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines:

I write you this letter because of my deep concern over the proposed construction on the 44 acre parcel at Gore Mill and Middletown Roads in the Freeland area of Northern Baltimore County.

Apparently, the owner of the property, Mr. Dennis Smith, desires a special exception ruling from the Zoning Board to construct a Country Club complex. My concerns over this action are as follows:

- Traffic congestion
- Impact on the residential water supply (community residents all have private water wells)
- Impact on Prettyboy Elementary School which would be directly opposite the proposed Country Club
- Disturbance to the basic fabric of the community. Most members of the community live in the area because of the rural setting and its resulting quietness and feel such construction would disturb community solitude and country atmosphere.
- Mr. Smith's track record indicates heavy association with the entertainment field and, therefore, makes the "extent" of activities he would pursue at his proposed Country Club questionable.
- Impact to police protection to the community.
- Impact of noise pollution

Another very key area of concern for me is simply one of conservation. It is a known fact that the development of land formerly used for farming has reached rather alarming proportions. As you are probably aware the Governor's Commission is currently studying this dilemma. I pose the question of shouldn't we at least wait until the results of this study are available before making exceptions for developing agriculturally zoned land?

I personally am employed by a corporation that supports conservation by keeping 120 acres of prime real estate in the Hunt Valley area preserved for wild life and natural surroundings. I can attest to the value conservation can add to a community.

April 16, 1991

Mr. J. Robert Haines, Zoning Commissioner
111 West Chesapeake Avenue, Room 109
Towson, Md. 21204

Dear Mr. Haines,

I am a resident at 20039 Gore Mill Road. The proposed 9 hole golf course, swimming pool, pavilion and 553 vehicle parking lot is approximately 1,000 feet from my property and 1/10 a mile from my home. I feel a zoning exception for this commercial complex would be a mistake and destroy the years of work done by the Zoning Commission to establish Agricultural Preservation Zone in northern Baltimore County.

The property is presently zoned RC 2 (Agricultural Preservation) and has been for years. The Zoning Commission in its infinite wisdom established this zone to protect the rural environment that historically has been the strong nucleus of Northern Baltimore County.

When the owner, Dennis Smith, purchased the property this zoning was established and in existence for the 40+ years under consideration. For years he has rented this land for agricultural purposes - hay, corn, etc. On April 8th of this year the land was tilled again for another crop this season.

Would like to address a number of issues regarding this zoning exception request.

RECEIVED

PROTEST

Signature	Name	Print	Address	For or Against
Maurice L. Coleman	Maurice Coleman	19930 Gore Mill Rd.	Against	
Debra M. Ingles	Debra Ingles	1709 Bulls Sawmill Rd.	Against	
Catherine E. Pardon	CATHERINE PARDON	1503 WALKER RD	Against	
Marley C. Jones	MARLEY C. JONES	19707 Valley Hill	Against	
Beatrice Marshall	BEATRICE MARSHALL	1706 WALKER RD	Against	
James J. Cooper	JAMES J. COOPER	1700 WALKER RD	Against	
Richard C. Geier	RICHARD C. GEIER	19425 MIDDLETOWN RD	Against	
Francis Geier	FRANCIS GEIER	19425 MIDDLETOWN ROAD	Against	
Al Hintz, Sr.	AL HINTZ, SR.	20309 GORE MILL RD	Against	
Al Hintz, Jr.	AL HINTZ, JR.	20309 GORE MILL RD	Against	
Patricia Mysak	PATRICIA MYSAK	20200 GORE MILL RD	Against	
Francis W. Durbin	FRANCIS W. DURBIN	2105 FREELAND RD	Against	
Leroy C. Novotny	LEROY C. NOVOTNY	19834 Gore Mill Rd. Freeland	Against	
Elizabeth Novotny	ELIZABETH NOVOTNY	19834 GORE MILL RD. MD.	Against	
Valerie A. Baran	VALERIE A. BARAN	20035 GORE MILL RD	Against	
Robert S. Barron	ROBERT S. BARRON	20035 GORE MILL RD.	Against	
Wayne M. Barry	WAYNE M. BARRY	19959 GORE MILL RD.	Against	
Dallas A. Hunt	DALLAS A. HUNT	19937 GORE MILL RD. Freeland	Against	
Alfred R. Carey	ALFRED R. CAREY	20039 GORE MILL RD.	Against	
Debra Smith	DEBRA SMITH	19401 Middle town Rd	Against	
Chris Smith	CHRIS SMITH	19201 MIDDLETOWN RD	Against	
Michael Fabula	MICHAEL FABULA	19901 GORE MILL RD	Against	
Joseph Fabula	JOSEPH FABULA	19960 GORE MILL RD	Against	
Ann Fabula	ANN FABULA	19901 GORE MILL RD	Against	
Frances X. Richardson	FRANCES X. RICHARDSON	1925 Bulls Sawmill Rd.	Against	
Edward P. Gordon	EDWARD P. GORDON	1935 Bulls Sawmill Rd	Against	
Wayne Harrison	WAYNE HARRISON	1404 WALKER RD	Against	
John B. Twist	JOHN B. TWIST	1401 WALKER RD	Against	

PROTEST

Signature	Name	Print	Address	For or Against
Richard A. Rush	RICHARD A. RUSH	17109 Middletown Rd	Against	
Martin Teramoni	MARTIN TERAMONI	2132 Freeland Road	Against	
Doris Burton	DORIS BURTON	19904 Middletown Road	Against	
William R. Buta	WILLIAM R. BUTA	"	Against	
Shirley A. Smith	SHIRLEY A. SMITH	19111 Gore Mill Rd	Against	
Joe G. Rowley	JOE G. ROWLEY	19811 Gore Mill Rd	Against	
Orville Shuman	ORVILLE SHUMAN	18657 Middle town Rd	Against	
James Downing	JAMES DOWNING	17617 Gore Mill Rd	Against	
Elizabeth D. Dales	ELIZABETH D. DALES	17617 Gore Mill Rd	Against	
Victoria Baker	VICTORIA BAKER	2309 Bulls Sawmill Rd.	Against	
Kathleen Ferrel	KATHLEEN FERREL	19720 Middle town Rd	Against	
Geoff Carpenter	GEOFF CARPENTER	18807 Fox Chase Ct	Against	
Timothy E. Hayden	TIMOTHY E. HAYDEN	18713 Middle town Rd.	Against	
Randall D. Dales	RANDALL D. DALES	19912 Middle town Rd	Against	
Marianah Felt	MARIANAH FELT	19912 Middle town Rd	Against	
Marylin O'Neill	MARYLIN O'NEILL	21119 MILLER MILL RD.	Against	
Thomas O'Neill	THOMAS O'NEILL	"	Against	

91-323-XA

April 9, 1991

ZONING OFFICE

Dear Mr. Haines,

I am against Dennis "Dino" Smith's country club/golf course proposal on 44 acres across from Prettyboy Elementary School for the following reasons:

1. How much water do you think there is in No. Balto.Co.? The amount of houses that have gone up in the past few years are surely overburdening the water table....what do you think a golf course would do?
2. Have you personally seen all the traffic (especially around rush hour) on Middletown Rd.? I live on the dead end of Gore Mill Rd. which runs into Middletown Rd. There is no other way in or out. How am I going to get emergency service (fire, police, ambulance, etc.) if no one can access my house or the other nine* houses on this end of Gore Mill Rd. because of traffic tie-ups caused by a country club/golf course? Some of my immediate neighbors are elderly with heart problems; their lives could be jeopardized because of the above.
3. I am against increasing traffic around Prettyboy Elementary School. There have been traffic fatalities in front of Hereford High School. What do you think would happen if Middletown Rd. became more of a major thoroughfare like York Rd.?

Prettyboy is already overcrowded. Most of the residents are against Mr. Smith's proposal. Why doesn't the county try to buy Mr. Smith's property for a new school?

I think all of the above and more should be addressed before a Special Exception is granted. No residents should not be ignored when it comes to issues concerning our homes and neighborhoods. This is where we live and not Dennis Smith.

Sincerely,

Mike A. Smith
111 GORE MILL RD
FREELAND, MD 21053

*Nine houses presently...seven building lots now for sale which would add to this dilemma.

CC: Hon. Roger Hayden
Hon. C.A. Dutch Ruppersberger

Freeland Community Assoc.

P. O. Box 52
Freeland, MD 21053
April 9, 1991

Re: Special Exception 91-323-XA

Mr. J. Robert Haines
Zoning Commissioner
111 W. Chesapeake Ave.
Towson, MD 21204

Dear Mr. Haines,

This letter will serve to let you know that the Freeland Community Association has held two public meetings, on February 20 and March 27, 1991, to analyze and discuss this petition by Dennis G. Smith for a golf course and/or country club, pavilion and related uses on 44 acres across from Prettyboy School. These meetings were attended by over 100 persons who reside in close proximity to the site in question.

Upon a motion and vote at the conclusion of the second of these meetings, it was unanimously resolved that the official position of this organization shall be to protest and oppose Mr. Smith's petition. This action by the way is consistent with our past position in 1980 (80-141-X), and in earlier hearings for a site on Bulls Sawmill Road in the mid-1970's, where the ultimate decision has each time been to deny the petition.

We are aware of the hearing scheduled on April 16, 1991, and anticipate being there to present our rationale at that time. Thank you for your consideration.

Sincerely,

Mike A. Smith, President
Mike A. Smith, Vice-Pres
Mike A. Smith, Sec/Treas
Mike A. Smith, Board member
Mike A. Smith, Board member

ZONING OFFICE

91-323-XA

Dear Mr. Haines:

The attached letter to you was written by my six year old son, Ben, who is in the first grade at Prettyboy Elementary School. He is very upset about the possibility of Mr. Smith's plan becoming reality and, through his own initiative, wrote this letter.

Recognizing that his handwriting may be difficult to read, I provide the following translation:

It is peaceful here. If he builds a concert, it will not be peaceful anymore. Please don't let him build the place because it is right across the street from my school. It will bother the children and me.

Country should be country. Country should not be city.

Yours truly,
Ben J. Asplen

I think Ben's letter says it all!

Sincerely,

Ben J. Asplen
Joyce A. Minkley

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Yours Truly
Ben J. Asplen

1636 Walker Road
Freeland, MD 21053
April 2, 1991

91-323-XA

Mr. J. Robert Haines, Zoning Commissioner
111 West Chesapeake Avenue, Room 109
Towson, Maryland 21204

Dear Mr. Haines:

The purpose of this letter is to express my grave concern over Dennis Smith's Petition for Special Exception to build a country club, golf course, pavilion, 500-car parking lot, etc. on Middletown Road across from Prettyboy Elementary School. The 44 acre property in question lies between my home and the school.

I have been a resident of Freeland for five years. Having been born and raised in Rosedale, a suburb that has experienced tremendous growth, development and resulting congestion, I longed to move to the country. After many years of hard work and diligent saving, I was able to have a home built in Freeland where I live with my husband and two young sons.

Freeland is a small, peaceful community in Northern Baltimore County. My family and I thrive on the fresh air and beautiful rolling hills which pasture horses and cattle. Full and part time agriculture flourish in and around Freeland, preserving the "country" atmosphere and wide open spaces which we have come to love.

Although we only own two acres, the adjoining property of 20 acres is owned by relatives and, therefore, available for our use. My six-year old son can ride his bike freely along gravel, country lanes where I do not need to worry about his safety. Many of our evenings are spent outside on the deck enjoying the solitude and stars or taking a stroll through eight wooded acres enjoying nature.

This is life as we know and love it and we would not want a change as dramatic as Mr. Smith has planned in our neighborhood. Middletown Road is a route which is already unsafe to walk because of traffic traveling at 45 MPH and no sidewalks. If Mr. Smith's plan becomes reality, traffic congestion would be unreasonable, at best. Of tremendous concern as well, is the noise that his facility will bring to the neighborhood, not to mention the added burden on our police and fire departments whose response time is already too long.

Mr. Smith has presented an elaborate plan which includes a 200 seat pavilion in which he will hold concerts. (Why then does he require a 500-car parking lot?) His plan of 11 years ago, which was defeated, called for an amphitheater with lawn seating which would accommodate more than 1,000 people for rock concerts. It appears that Mr. Smith's goals have not changed, but his strategy on how to achieve the goals and deceive the Zoning Commission has become more sophisticated.

1636 Walker Road
Freeland, MD 21053
April 1, 1991

Mr. J. Robert Haines
Zoning Commissioner
111 Chesapeake Ave., Rm. 109
Towson, MD. 21204

Dear Mr. Haines,

91-323-XA

ZONING OFFICE

As a homeowner in Freeland, Maryland, I am writing to protest the proposed development of 44 acres owned by Dennis Smith, for a so-called "Country Club", "golf course", pavilion, parking lot, etc., across from the Prettyboy Elementary school on Middletown Road. Mr. Smith's property can be seen directly from our kitchen window which is now a country view of pastures, cows, horses - all the reasons we live here.

His attempts to develop this property in past years have become legendary, to say the least. His sole purpose has been to have this land rezoned, in order to stage rock concerts. This current use of building a golf course, etc., is one of the most ridiculously conceived plans for this community that could possibly be proposed.

To begin with, an average size regulation golf course of 18 holes takes a minimum of 120 acres, and that is a conservative estimate. That would mean 60 acres for a regulation 9 hole golf course, and perhaps 40 acres for an executive type course, again conservative. That does not include any parking, club house, or equipment storage. Now we are talking approximately 3-4 acres for a pavilion, country club, 500 car parking facility for the pavilion, and whatever else is included in the plans.

What I suggest, Sir, is an elaborate hoax just to get the zoning changed and then this person will be legally allowed to have rock concerts, which all of us in this community know to be his true resolve. These efforts are substantially documented by the Freeland Community Association, of which I am a member.

There are many other factors that also seem to have been overlooked. Because of our location, response time for emergency vehicles is already dangerously long. This time would easily triple if there were long traffic lines for rock concerts. Those of us with small children do not look forward to this.

April 2, 1991

RECEIVED
APR 4 1991
ZONING OFFICE

Baltimore County Office of Zoning
C/O Mr. J. Robert Haines, Zoning Commissioner
111 Chesapeake Ave., Room 109
Towson, Maryland 21204

91-323-XA

Ref: Special Exception of Present Zoning of the Dennis Smith Property Located at Middletown Road and Gore Mill Road Freeland, MD.

Dear Mr. Haines,

My wife and I live within 1/4 mile of the property that is requesting special exception for a country club. We would like to go on record as opposing this special exception. As long term residents of Baltimore County we moved into this area for the quiet country atmosphere.

The proposed country club offers nothing to the community that doesn't already exist. Morris Meadows Recreation Park, The Freeland Pool and Prettyboy Elementary already has swimming, tennis and golf activities readily available. Not to mention the newly approved golf course in our neighboring town of Monkton.

Being a retired Baltimore County police officer that patrolled the Middletown Road corridor I have great concerns of the impact that this "Country Club" would have:

- (1) Added traffic to an already overburdened singled laned highway which is curvilinear and hilly that will increase the potential for accidents.
- (2) Burdens placed on our police department (ie. traffic assistance during events), fire department and ambulance service which will lengthen response time to meet the needs of the community.
- (3) The added noise and lights that will cause complaints from the surrounding neighbors.

(1)

RECEIVED
APR 4 1991
ZONING OFFICE

Mr. J. Robert Haines, Zoning Commissioner
111 West Chesapeake Ave., Room 109
Towson, Maryland 21204

Dear Mr. Haines,

91-323-XA

I am writing to you to protest to the petition for special exception by Mr. Dino Smith for a "country club, golf course, pavilion and related uses". As a member of this community for over 12 years, and as a professional realtor I believe I can express several reasons why this exception should not be granted.

I live in close proximity to the property which is 3 miles West of I-83 on Middletown Road. We can hear the traffic on I-83 especially at night. The concerts Mr. Smith wants to provide in his pavilion will create noise that will travel just as far and beyond. This noise factor should not be taken lightly. It is a major consideration to people who buy homes in a rural area.

The curve just before the Smith's property is a dangerous one. I have personally seen 3 accidents result from drivers taking this curve too fast. Many of the accidents on Middletown Road (and there have been many) are a result of speed on a very winding curving road. Drivers generally know there are not many policemen waiting to slow them down. Because this is a large, basically rural area the police response time is also longer than is comfortable. Added congestion on this major access road will increase the time in which an emergency vehicle (police or fire) will be able to move and respond. The idea of 500 or more cars on Middletown Road making their way to a concert at Mr. Smith's pavilion is a very scary thought.

This matter of response is also one that I am asked frequently by buyers who choose to move here. They know they may wait for help a little longer in the event of an emergency but they make that concession to live in a rural, country and quieter atmosphere. Anything that would lengthen what is already a very long response time (20-30 minutes) would not be welcome.

The water drain this proposed "country club" will have on our well is another very major concern. My well has been exceptional but I know that if someone drilled into the same vein my water comes from and put a tremendous strain on it the yield of our well could be damaged permanently. I have sold enough homes in this area to know that the wells are spotty in many places. This means that lots can be drilled multiple times before hitting water and very often the yield is not high enough to pass code.

Mr. J. Robert Haines
111 West Chesapeake Ave. Room 109
Towson, Maryland 21204

April 5, 1991

91-323-XA

Dear Mr. Haines:

This is a formal protest to you concerning the special exception requested by Dennis Smith concerning the 44 acres of land on Middletown Rd. in Baltimore County to be used as a country club, golf course, pavilion and other related uses with parking for 500 cars.

It is my contention that a former property within our town to be used as they choose as long as it complies with all existing regulations, restrictions and ordinances. Without knowing that property is to be used in a different manner requiring a change in existing regulations, restrictions and ordinances requiring a special exception, it should only be done when it will be agreeable and benefit the surrounding land owners and residents of the community.

We who have purchased land and home and live in this area did so under existing zoning. We agreed with these regulations and abide by them collectively. Now someone decides to have the rules changed for their own and sole personal gain against the desires and wishes of those who live and remain here.

It is my opinion that a pavilion and parking for 500 cars is not to accommodate the neighborhood but is to allow the type of performance that will drive us out of the community. We know for a fact this will create traffic problems in a rural community with even noise and litter. This will also lay our water supply and create many other problems which we do not now have.

MICROFILMED

June 7, 1991

William T. Hackett
Baltimore County Appeals Office

RE: Proposed Freedom Manor Country Club,
continuation:

RE: Our investment in our homes will be greatly reduced by this project.
4. The bottom line is Mr. Smith's property is not zoned for this use, and the community does not want Mr. Smith or his country club.

The second subject I would like to bring to your attention concerns remarks Mr. Smith made at our community association meeting on June 5, 1991. Since no one from the County attended I thought you would like to know some of what Mr. Smith said.

First, Mr. Smith showed a great deal of disdain for all of the residents who attended. He indicated that financially the community would be no match for him, he was tired of us opposing him, and he would be doing what he wanted with his land.

Secondly, and I think this item is much more disturbing than the first item, Mr. Smith repeatedly stated that if he were willing to pay off certain county officials, he could have easily gotten the exception that he desires either in his past efforts to get this exception or in his efforts now. He stated that he chose to fight the system rather than pay off people, and we should all be grateful for people like him who stand up for the good of America.

I don't believe any of his statements regarding payoffs, but I thought you would appreciate what type of individual we as a community are up against after hearing some of his comments. You do not have to listen only to what I have to say either. We would welcome you at one of our community meetings to verify what I have stated in this letter with anyone who did attend. Further I hope one day you have the occasion to meet Mr. Smith and evaluate him for yourself. I believe after you meet him you will understand why we do not want him or his country club in our neighborhood.

Sincerely,

John Ernst
JERNST

March 25, 1991

Mr. J. Robert Haines
Zoning Commissioner
111 West Chesapeake Ave., Rm 109
Towson, MD. 21204

Dear Mr. Haines,

We are writing in reference to Dennis "Dino" Smith's petition for Special Exception on the lot across from Prettyboy Elementary School. As residents of the immediate area around the site, we feel the proposed use of that property would greatly increase the potential for serious traffic incidents. Middletown Road is a narrow winding road with no shoulder and lined with trees, telephone poles and mailboxes within three feet of the road. This limited area off the road does not allow for any mistakes or lack of concentration while driving and the road must be driven slowly to ensure safety.

In the past six months, we have had two separate incidents of a car failing to complete the curve just east of Prettyboy Elementary School and ending up flipped over on the lawn. An increase in the traffic due to the proposed use of this site will only increase the danger of driving Middletown Road.

For the safety of all of our neighborhood and particularly for the safety of our children, we strongly urge you to reject the petition of Special Exception for Dennis Smith.

Sincerely,

Edward F. Gorman
Linda K. Gorman
1933 Bulls Sawmill Rd.
Freeland, MD. 21053
(301) 343-2341

RECEIVED
MAR 26 1991

ZONING OFFICE

MICROFILMED

Mr & Mrs. John Lotz
20016 Valley Mill Rd.
Freeland, Md 21053

Mr. J. Robert Haines
Zoning Commissioner
111 West Chesapeake Ave. Rm 109
Towson, MD 21204

April 15, 1991

Dear Mr. Haines,

We will be unable to attend a hearing scheduled for Tuesday, April 16, 1991 at 9:30 am for the Exception for 44 acres on Middletown Road owned by Dennis Smith.

We would very much appreciate it if you took this letter into consideration on your decision.

We moved to this area to have children and raise them in a country atmosphere. We love this area and now have 3 small boys which one day will be attending Prettyboy Elementary School. Which we very much liked, until we heard of the proposed Golf course, country club and pavilion with 500 parking spaces !!!!!

We feel this kind of place is not needed in our area. We DON'T NEED THE KIND OF TRAFFIC this would cause on Middletown Rd. We moved out of the city now only to find the city is trying to move in on us.

We have a problem getting wells up here. What kind of water will this have????? Where will they get enough of it ??????

What if a fire would break out ??? My woods is only a hill away ??? Would I lose my property as well ?????

What about all the wildlife ??? Where would it go ??? What about the NATIVE BROWN TROUT THAT IS IN LITTLE FALLS STREAM ?????? What would the runoff from Smith property do to this PURE STREAM!!!!!! I use this stream for my horse's to drink from. What would happen to them ??????

We do NOT FEEL this COMMUNITY NEEDS THIS KIND OF PLACE !!!! WE DON'T WANT IT !!!! WE ARE THE COMMUNITY THIS WOULD SERVE, AND WE SAY NO !!!!

We love the RURAL NATURE OF THIS AREA !!!! PLEASE DON'T DESTROY IT !!!!

DON'T MAKE OUR RURAL PROPERTY WORTHLESS !!!! DON'T MAKE US MOVE AGAIN !!! WE FOUND OUR DREAM HOME DON'T TURN IT INTO A NIGHT MARE !!!!!

Sincerely,

John M. Lotz Sr.
Linda K. Lotz
Mr. & Mrs. Lotz

MICROFILMED

MR. J. ROBERT HAINES
ZONING COMMISSIONER
111 WEST CHESAPEAKE AVE. RM 109
TOWSON, MD 21204

MR. & MRS. CHARLES KRANTZ III
20008 Valley Mill Road
Freeland, MD 21053

April 15, 1991

Dear Mr. Haines,

We will not be able to attend the hearing set for Tuesday, April 16 at 9:30 am for the EXCEPTION FOR 44 ACRES ON MIDDLETOWN ROAD, ACROSS FROM PRETTYBOY ELEMENTARY, OWNER DENNIS SMITH.

We would greatly appreciate it if you took our letter into consideration on your decision.

WE ARE TOTALLY AGAINST THE GOLF COURSE / COUNTRY CLUB / PAVILION / 500 PARKING SPACES !!!!

- 1.) WE moved here in the COUNTRY to get away from all the TRAFFIC !!! Middletown Road can not hold 500 cars on it at once. We would never be able to pull farm equipment up it without 500 cars all trying to pass you and a very large accident would occur.
- 2.) WE moved here in the COUNTRY to raise our children and horse's in a country ATMOSPHERE !!!
- 3.) We want our water to be PURE FROM OUR STREAM, which is home for the native brown trout. We also water our gardens from the stream. We also water our horse from the stream. The run off from Dennis Smith property would cause GREAT DAMAGE TO our stream LITTLE FALLS.
- 4.) We want our children to be able to play sports at PRETTY BOY ELEMENTARY school fields with out the worry of what's, who's across the street !!!!
- 5.) We have no paid firefighters. What would happen in the event of a fire???? Where would the water come from ???? Would there be enough water ?????
- 6.) We have no close police station !!! How long would it take for the police to get there for a major problem !!!!
- 7.) We have no close hospitals not for 25 miles at least.
- 8.) What would happen to the wildlife in the area ?????
- 9.) We have 25 acres and we feel this would greatly make our property worthless!!!

WE CAME HERE FOR COUNTRY LIVING AND THAT WHAT WE WANT TO HAVE !!!!

WE WANT TO KEEP THIS AREA'S ATMOSPHERE THE WAY IT IS !!!!

Sincerely,

Charles Krantz III
Mr. & Mrs C. Krantz III

MICROFILMED

TO: Mr. J. Robert Haines, Zoning Commissioner
111 West Chesapeake Ave., Rm 109
Towson, MD 21204

FROM: Mrs. J. C. Rafferty
1516 Walker Rd.
Freeland, MD 21053

DATE: March 31, 1991

RE: Dennis Smith's petition for Special Exception to construct facilities and parking for 500 on 44 acres opposite the Baltimore County Prettyboy Elementary School on Middletown Rd.

As a Baltimore County property owner situated close to the area where Dennis Smith is petitioning a Special Exemption rezoning, I submit the following for your consideration.

We have lived in this area about 23 years. Most property in this area is zoned agriculture and many of my neighbors and myself graze farm animals near our homes. The 44 acres across from Prettyboy Elementary School has always been farmed. We, personally, are situated fairly high overlooking the 44 acres in question. As it now exists, the land is a healthy environmental asset for all, especially the children attending Prettyboy Elementary.

I can attest to the fact that whenever I pass the school during session hours when buses are loading and unloading students, traffic is congested. The additional traffic that would result from the purposes Mr. Smith intends for this land opposite the school would create a dangerous hazard for all.

I can also attest that some people living adjacent to this property have such low water levels in their wells, they are presently restricted from certain water use for everyday living. The kind of facilities and the numbers of people using them planned by Mr. Smith would be a tremendous drain on an already deteriorating water supply in this part of Baltimore County.

When the County allowed Mr. Smith to hold a "religious" tent gathering on this 44 acres a couple of years ago, the noise level of the loud speakers was so high it frightened our horses and we could hear every word spoken and every note sung for hours. This kind of noise disrupts us all, including my husband who is a Baltimore County firefighter and needs to sleep during the day after having put in all night shifts.

Other locals have attested at community meetings that when Dennis Smith was allowed by the county to hold rock concerts on other farm property a few years ago, it created a traffic jam, the noise alarmed area residents and animals, it was an environmental disaster, and when over, needles and other drug paraphernalia were left behind to harm innocent children and animals. And this was prior to the present AIDS epidemic in which drug addicts and their habits play a prominent role.

April 9, 1991

Dear Mr. Haines,

I am against Dennis "Dino" Smith's country club/golf course proposal on 44 acres across from Prettyboy Elementary School for the following reasons:

1. How much water do you think there is in No. Balto.Co.? The amount of houses that have gone up in the past few years are surely overburdening the water table....what do you think a golf course would do?
2. Have you personally seen all the traffic (especially around rush hour) on Middletown Rd.? I live on the dead end of Gore Mill Rd. which runs into Middletown Rd. There is no other way in or out. How am I going to get emergency service (fire, police, ambulance, etc.) if no one can access my house or the other nine* houses on this end of Gore Mill Rd. because of traffic tie-ups caused by a country club/golf course? Some of my immediate neighbors are elderly with heart problems; their lives could be jeopardized because of the above.
3. I am against increasing traffic around Prettyboy Elementary School. There have been traffic fatalities in front of Hereford High School. What do you think would happen if Middletown Rd. became more of a major thoroughfare like York Rd.?

Prettyboy is already overcrowded. Most of the residents are against Mr. Smith's proposal. Why doesn't the county try to buy Mr. Smith's property for a new school?

I think all of the above and more should be addressed before a Special Exception is granted. We residents should not be ignored when it comes to issues concerning our homes and neighborhoods. This is where we live and not Dennis Smith.

Sincerely,

Shirley A. Smith
Joseph B. Smith
1931 Gore Mill Rd.
Freeland, MD 21053

*Nine houses presently...seven building lots now for sale which would add to this dilemma.

CC: Hon. Roger Hayden
Hon. C.A. Dutch Ruppersberger

MICROFILMED

91-323-XA

RECEIVED
APR 9 1991

ZONING OFFICE

MICROFILMED

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Sincerely,

Joseph B. Smith
Shirley A. Smith
1931 Gore Mill Rd.
Freeland, MD 21053

*Nine houses presently...seven building lots now for sale which would add to this dilemma.

CC: Hon. Roger Hayden
Hon. C.A. Dutch Ruppersberger

MICROFILMED

APPEAL

Petition for Special Exception and Zoning Variance
NE/S Middletown Road at Gores Mill Road
6th Election District - 3rd Councilmanic District
DENNIS G. SMITH - Petitioner
Case No. 91-323-XA

Petition for Special Exception and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat to accompany petition

2. Tax Map

3. Golf Course Information Sheet

Protestant's Exhibits: 1. Air Photographic Map

2. Six (6) Photographs of site

Deputy Zoning Commissioner's Order dated May 29, 1991 (Denied in part;
Dismissed in part)

Notice of Appeal received May 31, 1991 from Dennis G. Smith,
Petitioner

cc: Dennis G. Smith, 2809 Boston Str., Suite 122, Balto., MD 21224

Clark R. Shaffer, Esquire
6 N. Court Street, Westminster, MD 21157

Robert Spellman - Spellman, Larson & Associates, Inc.
Suite 107, Jefferson Building, Towson, MD 21204

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue, Suite 300, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Mastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Chief Deputy County Attorney
Public Services

**Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning**

111 West Chesapeake Avenue
Towson, MD 21204

867-3353

June 17, 1991

Mr. John Ernst
Ernst Electrical Services, Inc.
1826 Pot Spring Road
Timonium, Maryland 21093

RE: Petitions for Special Exception and Zoning Variance
NE/S Middletown Road at SW/S Gores Mill Road
(Freedom Manor Executive Golf Course)
6th Election District - 3rd Councilmanic District
Dennis G. Smith - Petitioner
Case No. 91-323-XA

Dear Mr. Ernst:

This office is in receipt of your letter dated June 6, 1991
concerning the above-captioned matter.

Inasmuch as this case has been appealed to the County Board of
Appeals, it is out of the jurisdiction of the Zoning Commissioner's
Office. However, I will forward your letter to the Board of Appeals for
their review and consideration in this matter. Further, in response to
your concerns regarding Mr. Smith's derogatory statements as to the permit
process and the pay-off of certain County officials, such statements do
not warrant a response.

Thank you for bringing this matter to my attention and as
previously stated, your letter will be forwarded on to the Board of
Appeals, by copy of this letter.

Very truly yours,

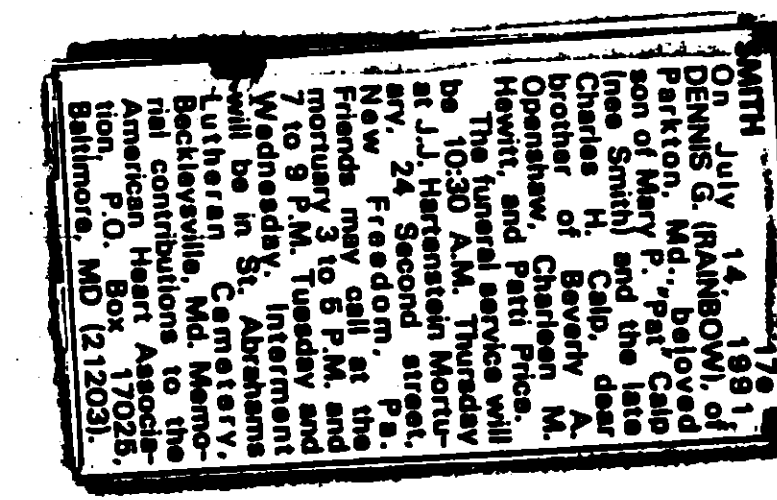
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Case File

Board of Appeals

NOTE: Dennis Smith died on July 14, 1991 --Matter has been scheduled
inasmuch as the Board has received no notification on behalf of
Mr. Smith's estate regarding the status of this matter.



91-323-XA

9/5/91 - Following parties notified of hearing set for January 2,
1992 at 1:00 p.m.:

Mr. Dennis G. Smith
Clark R. Shaffer, Esquire
Mr. Robert Spellman
T. Rogers Harrison, Esquire
Captain Kevin L. Sanzenbacher
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of
Zoning Administration

11/29/91 -Letter from Clark R. Shaffer, Esquire, requesting that this matter be
withdrawn; Mr. Smith died on 7/14/91; has been in contact with
Robert Body, Esq., representing estate of Dennis Smith and has
indicated by telephone intention of withdrawing appeal.

MURDO, HARRISON & BURCH

ATTORNEYS AT LAW

100 WEST CHESAPEAKE AVENUE

SUITE 200

TOWSON, MARYLAND 21204

(410) 252-4820

FAX (410) 252-4820

September 16, 1991

Baltimore County Board of Appeals
County Office Building
Room 315
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-323XA
Dennis G. Smith
N.E. Side Middletown Road at
Gores Mill Road

Dear Sir or Madam:

I just received your notice dated September 5,
1991, relative to a scheduling of a hearing before the
County Board of Appeals regarding the above matter for
Thursday, January 2, 1992. The date poses a conflict with
my schedule, but I believe I can change the other matter and
therefore be prepared to attend the hearing as scheduled.
However, due to the fact that Mr. Smith is now deceased, I
was wondering whether or not we could ascertain from his
counsel and/or estate if it intends on prosecuting the
appeal from the order denying special exception prior to my
making arrangements to cancel other previously arranged
matters.

By copy of this letter to Clark Shaffer, who was
counsel representing Mr. Smith before the Zoning
Commissioner, I am asking that he advise you, with a copy to
me, as to what the estate's position is regard to the above.

Very truly yours,

T. Rogers Harrison

T. Rogers Harrison

TRH/lfc

copy - Clark R. Shaffer, Esquire
6 North Court Street, Westminster, MD 21157

ERNST ELECTRICAL SERVICES, INC.

1826 POT SPRING ROAD

SUITE 200

TIMONIUM, MARYLAND 21093

(301) 252-4820

June 6, 1991

Baltimore County Zoning Commissioner
Mr. J. Robert Haines
111 W. Chesapeake Avenue, Room 315
Towson, MD 21204

Dear Mr. Haines:

I am involved with the Freeland Community Association in
its effort to prevent Dennis Smith from building his proposed
country club, "Freedom Manor" in our community.

The proposed location for this country club is Middletown Road,
approximately 3 1/2 miles west of 183. In order to build this
country club Mr. Smith must be granted a special exception from
his present zoning of RC-2. He was denied this special
exception in the past few days, and immediately appealed that
decision.

There are two subjects I would like to make you aware of and each
contains several points relating to that subject. The first item
is why we as a community are opposed to this project:

1. Mr. Smith's plans for a country club are not viable. He plans
a nine hole golf course on approximately ten acres of the
forty four he now owns. Anyone with any knowledge of golf
courses knows that will not work. He also plans a swimming
pool, tennis courts and a pavilion.
2. Mr. Smith is now involved with booking musical concerts and
has indicated he will use this property for that purpose. We
feel that this is his only real desired use for this property.
3. We feel this would be extremely detrimental to our community
for the following reasons:
 - A) Musical concerts in this rural setting would destroy our
community and the reasons we all moved there in the first
place.
 - B) The roads in our area are not designed for major events or
the amount of traffic a country club would require.
 - C) We feel very strongly about the type of people Mr. Smith
will bring into our community. Drugs and alcohol could
present a large problem.
 - D) We feel Middletown Road will become much more dangerous
than it already is.
 - E) Our investment in our homes will be greatly reduced by
this project.

Page 1

Page 2

June 6, 1991

Mr. J. Robert Haines
Baltimore County Zoning Commissioner

4. The bottom line is Mr. Smith's property is not zoned for this
use, and the community does not want Mr. Smith or his country
club.

The second subject I would like to bring to your attention
concerns remarks Mr. Smith made at our community association
meeting on June 5, 1991. Since no one from the county attended I
thought you would like to know some of what Mr. Smith said.

First, Mr. Smith showed a great deal of disdain for all of the
residents who attended. He indicated that financially the
community could be no match for him, he was tired of us opposing
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the first item, Mr. Smith repeatedly stated that if he were
willing to pay off certain county officials, he could have easily
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I have stated in this letter with anyone who did attend. Further
I hope one day you have the occasion to meet Mr. Smith and
evaluate him for yourself. I believe after you meet him you will
understand why we do not want him or his country club in our
neighborhood.

Sincerely,

John Ernst

John Ernst

JE:ew

ERNST ELECTRICAL SERVICES, INC.

1826 POT SPRING ROAD

SUITE 200

TIMONIUM, MARYLAND 21093

(301) 252-4820

John W. Ernst
20005 Middletown Road
Freeland, MD 21053

June 7, 1991

ATTN: Chairman William T. Hackett
Baltimore County Appeals Office
111 W. Chesapeake Avenue, Room 315
Towson, MD 21204

Dear Mr. Hackett,

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its effort to prevent Dennis Smith from building his proposed
country club, "Freedom Manor" in our community.

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 - C) We feel very strongly about the type of people Mr. Smith
will bring into our community. Drugs and alcohol could
present a large problem.
 - D) We feel Middletown Road will become much more dangerous than
it already is.

Page 1

91-323-XA

SUBJECT: Dennis C. Smith, Item No. 294

REQUESTED ACTION:

The applicant has applied for a Special Exception for a golf course and/or country club, and a Variance to permit the erection of two (2) free-standing 4'X 8' double-faced signs with a combined total of 128 sq. ft. in lieu of the required one (1) square foot.

LOCATION:

The property is located on the northeast side of Middletown Road and Gores Mill Road.

ZONING:

The site is currently zoned R.C.2

AREA OF SITE:

43.460 acres

PROPERTIES IN THE VICINITY:

The area surrounding the petitioner's site is characterized by sparsely populated residential/agricultural land uses. The Middletown Elementary School, located across Middletown Road, is immediately adjacent to the site.

WATER AND SEWERAGE:

The parcel is not served by public water or sewer; therefore, well and septic systems would have to be provided on site.

TRAFFIC AND ROADS:

Access to the parcel would be provided along Middletown Road which serves as a minor collector.

ZONING HISTORY:

This property has been zoned R.C.2 since the inception of the resource conservation zones. The owner of the property, Mr. Smith, attempted to hold concerts on this site some time ago. The deputy zoning commissioner denied a Special Hearing request to permit such a use after many residents had opposed Mr. Smith's intended use of the property.

According to a memo from James E. Dyer on December 17, 1990, Captain Zandenbacker of the Baltimore County Police Department advised the Zoning Office that Mr. Smith had plans to obtain permits to hold concerts on his farm this summer.

MICROFILMED

received
4/4/91

Dennis C. Smith, Item No. 294
Page 1

MASTER PLAN/COMMUNITY PLAN:

The petitioner's parcel does not lie within any county designated study areas. This property lies within the area designated as Agricultural Preservation by the Master Plan. The Master Plan states, "...The proposed land use map in this Master Plan designates several very large portions of the Northern Sector as Agricultural Preservation areas for the specific purpose of assuring these areas will be preserved for continuing use now and as a legacy for the future..."

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

The Office of Planning and Zoning does not support proposed use of the subject property as a golf course, country club, and entertainment facility. While the proposed uses are appropriate in the R.C.2 zone, this site is not suitable for the proposed development for the following reasons:

1. The proposed use would result in the loss of a substantial amount of the prime and productive soils on this site;
2. The proposal would result in an over development of the site that would out of character with the neighboring land uses.
3. There are concerns regarding the safety and congestion impact on Middletown Road for a use this intense.
4. The proposed uses are in conflict with the purposes of the R.C.2 zone which is intended "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses."

CYCEN294/CYCLE

MICROFILMED

received
4/4/91

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5784

February 14, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 288, 292, and 294.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvd

MICROFILMED

received
3/7/91

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

2/5/91
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

ZONING VARIANCE FORM
W/S(12-88)

Zoning Item #294, Zoning Advisory Committee Meeting of 2/5/91

Property Owner: Dennis C. Smith

Location: Middletown Rd at Gores Mill Rd

District: 6

Water Supply: Private

Sewage Disposal: Private

COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- (X) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- (X) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety: two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Management Section, Bureau of Regional Community Services, 887-3775.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3775, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3775.
- (X) Soil percolation tests, have been _____, must be X, conducted.
The results are valid until _____.
Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- (X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County standards must be drilled.
In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____.
If not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- (X) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3775.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Comments: This property is located on the Golf Course Development. The owner is Mr. Jeffrey Jollie at 887-2762 for additional information.

J. Jollie
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 31, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DENNIS C. SMITH

Location: NE/S MIDDLETOWN ROAD AT INTERSECTION
WITH SE/S GORES MILL ROAD

Item No.: 294 Zoning Agenda: FEBRUARY 5, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 8 SEE SEC. F-1.6 FOR MINIMUM CONSTRUCTION REQUIREMENTS.

REVIEWED: *[Signature]*
Noted and Approved: *[Signature]*
Planning Group
Special Inspection Division

Noted and Approved: *[Signature]*
Fire Prevention Bureau

received
2/5/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Planning Committee DATE: February 4, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 5, 1991

The Development Engineering Division has reviewed the subject zoning item and we have no comments for Items 51 (revised) 91 100 200, 288 and 292.

For Items 229, the previous County Review Group comments are still applicable.

For Item 294, a County Review Group Meeting is required for this item.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Development Engineering Division

END:6

received
2/5/91

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Rocky O. Powell, Division Chief
Environmental Impact Review Division DATE: March 14, 1991

FROM: Mr. Jeffrey B. Jollie, Geohydrologist
Ground Water Management Division

SUBJECT: Special Exception and Zoning Variance
Freedom's Manor

The proposal will have to comply with all guidelines established for ground water as part of the golf course development guidelines. Since the site is located within an area of relatively low ground water pollution potentials, the environmental monitoring standards will be less stringent.

JBj:tjl

cc: Mr. Donald C. Outen
Mr. Robert J. Aschenbrenner

RECEIVED
MAR 15 1991
BUREAU OF WATER QUALITY
& RESOURCE MANAGEMENT

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Donald C. Outen DATE: March 19, 1991

FROM: Mr. Paul J. Sojoden

SUBJECT: Comments regarding Special Exception Application
for a Golf Course and/or Country Club at NE/S Middletown
Road at intersection with SW/S Gores Mill Road.

This property consists of predominately prime and productive (Class I, II, and III) agricultural soils and is zoned RC-2 or Agricultural Preservation. For a number of years, the land was farmed by Summer's Cannery in New Freedom, Pennsylvania. The field manager for this firm has described the tillable ground on this farm as being exceptional in regard to productivity.

Given the intense nature and the extensive land coverage of the proposed development it is clear that this proposal is inconsistent with the purpose and intent of the RC-2 zoning classification, County Council 8111 #134-89 as amended and the Baltimore County Master Plan 1990-2000 which has placed this farm within an "agricultural preservation area" land use designation.

The Department of Environmental Protection and Resource Management should testify in opposition to this proposal.

PJS:ju

RECEIVED
MAR 20 1991
BUREAU OF WATER QUALITY
& RESOURCE MANAGEMENT

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3953

RE: 4-5-91

Dennis G. Smith
2808 Boston Street, Suite 122
Baltimore, Maryland 21224

RE:
Case Number: 91-120-53
SE/5 BELMONT Road at Intersection with SE/5 GORSE HILL Road
"YOUNGERS HUNTER EXERCISING GOLF COURSE"
9th Election District - 3rd Councilmanic
Petitioner(s) Dennis G. Smith
HEARING: TUESDAY, APRIL 16, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that 8 120-53 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE OTHER SMALL ADV LABEL. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.


Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT WAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Clark S. Shaffer, Esq.

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 26, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-323-1A
NE/S Middlebrook Road at intersection with SM/S Gores Hill Road
"FREEDOM PARKER EXECUTIVE GOLF COURSE"
6th Election District - 3rd Councilmanic
Petitioner(s): Dennis G. Smith
HEARING: TUESDAY, APRIL 16, 1991 at 9:30 a.m.


Special Exception for a golf course and/or a country club.
Variance to permit erection of two (2) free-standing 4 ft. x 8 ft. double-faced signs with a combined total of 128 square feet in lieu of the required one (1) square foot.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Dennis G. Smith
Clark B. Shaffer, Esq.

MICROFILMED


County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
Hearing Room -
Room 301, County Office Bldg. September 5, 1991

NOTICE OF ASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.


CASE NO. 91-323-XA DENNIS G. SMITH
NE/s Middletown Rd. at Gores Mill Rd.
6th Election District
3rd Councilmanic District
SE-Golf course and/or country club;
VAR-signs
5/29/91 - D.Z.C.'s Order DENYING Petition
for Special Exception; DISMISSING Petition
for Variance.

*11/16/91
C/D & Dismiss
as requested
out per Paula 9/12/91*

ASSIGNED FOR **THURSDAY, JANUARY 2, 1992 at 1:00 p.m.**

cc: Mr. Dennis G. Smith - Petitioner/Appellant
Clark R. Shaffner, Esquire
Mr. Robert Spellman
T. Rogers Harrison, Esquire
Captain Kevin L. Sanzenbacher
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of
Zoning Administration
LindaLee M. Kuzmaul
Legal Secretary

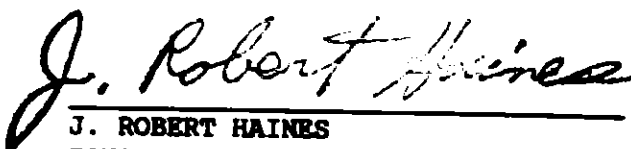
Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



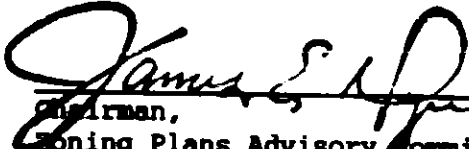
111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
23rd day of January, 1991.


J. ROBERT HAINES
ZONING COMMISSIONER

Received By:


Chairman,
Zoning Plans Advisory Committee

Petitioner: Dennis C. Smith
Petitioner's Attorney: Clark R. Schaffer

- e) Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- f) Interfere with adequate light and air;
- g) Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- h) Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations."

Petitioner simply did not carry his burden of showing that the proposed use met the aforementioned standards. Therefore, after reviewing all of the testimony and evidence presented, it appears that the special exception should be denied.

Petitioner also requested the aforementioned variance relief. Insofar as the special exception relief has been denied, the variance request has been rendered moot and will thereupon be dismissed.

The Protestants called numerous witnesses who testified in opposition to the relief requested. Insofar as the Petitioner did not meet his burden of proof under Section 502.1 of the B.C.Z.R., it is not necessary to recount the Protestants' testimony herein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be denied and the variance relief dismissed.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of May, 1991 that the Petition for Special Exception for a golf course and/or country club, including, but not limited to, a Pro Shop, a Nine Hole Golf Course, Basketball Courts, Tennis Courts, a Pool Complex, a Club House, a Hall, a Restaurant, a Lounge, a

ORDER RECEIVED FOR FILING
Date 5/29/91
By [Signature]

MICROFILMED

Playground, a Pavilion, Recreational Fields, and related accessory uses on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit the erection of two (2) freestanding, 4' x 8' double-faced signs, for a combined total of 128 sq.ft. in lieu of the permitted one (1) sq.ft. sign, be and is hereby DISMISSED.

ANN:bjs

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/29/91
By [Signature]

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

May 29, 1991

887-3353

Clark R. Shaffer, Esquire
6 N. Court Street
Westminster, Maryland 21157

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
RE/S Middletown Road at Gores Mill Road
6th Election District - 3rd Councilmanic District
Dennis G. Smith - Petitioner
Case No. 91-323-XA

Dear Mr. Shaffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied and the Petition for Zoning Variance dismissed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: John Willis, Esquire
Weinberg and Green
100 S. Charles Street, Baltimore, Md. 21201

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue, Suite 300, Towson, Md. 21204

People's Counsel

File

MICROFILMED

PETITION FOR SPECIAL EXCEPTION 29A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-323-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a golf course and/or a country club

Section 1A01.2.C.10

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: NONE
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City and State: [City and State]

Legal Owner(s): DENNIS G. SMITH
(Type or Print Name)
Signature: [Signature]
(Type or Print Name)
Signature: [Signature]

Attorney for Petitioner: John Willis Weinberg and Green
Clark R. Shaffer
(Type or Print Name)
Signature: [Signature]
Address: 2809 Boston St., Suite 122
Baltimore, Md. 21224
City and State: Baltimore, Md. 21224

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Clark R. Shaffer
Name: Clark R. Shaffer
Address: 6 N. Court St.
Westminster, Md. 21157
City and State: Westminster, Md. 21157

Attorney's Telephone No.: 876-0100
Address: 6 N. Court St.
Westminster, Md. 21157
Phone No.: 876-0100

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of May, 1991, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 16th day of April, 1991, at 9:30 o'clock

A.M.
J. Robert Haines
Zoning Commissioner of Baltimore County

BY FILED BY ULL 1/23/91
ANY TIME OR DAY
1 DAY FOR HRLC.

MICROFILMED

PETITION FOR ZONING VARIANCE 29A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-323-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.1 (a) To permit erection of two (2) Free-standing 4' x 8' Double-faced signs with a combined total of 128 sq. ft. in lieu of the required one (1) square foot

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Proposed Special Exception use * (Golf course and/or Country Club) would not be visible to patrons without adequate signs thus creating traffic dangers and inconveniences to patrons and users of public roads.

(* Application filed simultaneously)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: NONE
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City and State: [City and State]

Legal Owner(s): DENNIS G. SMITH
(Type or Print Name)
Signature: [Signature]
(Type or Print Name)
Signature: [Signature]

Attorney for Petitioner: JOHN WILLIS, WEINBERG & GREEN
(Type or Print Name)
Signature: [Signature]
Address: 2809 BOSTON ST., SUITE 122
Baltimore, MD 21224 892-0630
City and State: Baltimore, MD 21224

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
CLARK R. SHAFFER
Name: CLARK R. SHAFFER
Address: 6 N. COURT ST.
WESTMINSTER MD 21157
City and State: WESTMINSTER MD 21157
Phone No.: 876-0100

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 16th day of April, 1991, at 9:30 o'clock

A.M.
J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

SPELLMAN, LARSON & ASSOCIATES, INC.
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

DESCRIPTION FOR A SPECIAL EXCEPTION TO ZONING, "FREEDOM'S MANOR", MIDDLETOWN ROAD, 6TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning from the same at the intersection of the center lines of Gores Mill Rd. and Middletown Rd. said beginning being on the zoning line dividing that land zoned RC-2 and that land zoned RC-5 running thence and binding on the center of Gores Mill Rd. north 36 degrees 00 minutes 00 seconds east 973.80 feet thence leaving the center line of Gores Mill Rd. and running south 73 degrees 12 minutes 00 seconds east 790.78 feet south 85 degrees 27 minutes 00 seconds east 486.75 feet south 23 degrees 34 minutes 11 seconds west 1,003.00 feet and south 22 degrees 46 minutes 09 seconds west 708.84 feet to a point in Middletown Rd. herein referred and to the dividing line between that land zone RC2 and that land zoned RC4 running thence and binding in the Middletown Rd. and on said zoning division line and continuing along the zoning line first herein referred to north 59 degrees 56 minutes 10 seconds west 216.26 feet north 64 degrees 56 minutes 10 seconds west 514.68 feet to the center line of Bulls Sawmill Rd. And thence still binding in the Middletown Rd and on said zoning division line north 33 degrees 47 minutes 43 seconds west 873.49 feet to the place of beginning.

Containing 44.17 acres of land more or less. 09/21/90

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

MICROFILMED

CERTIFICATE OF POSTING 91-323-XA
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 6th
Posted for: Special Exception, Variance
Petitioner: Dennis G. Smith
Location of property: NE/S Middletown Road at intersection with SW/S Gores Mill Road, Freedom Manor, Executive Golf Course
Location of Signs: NE/S of Middletown Road, approx. 150' S.E. of Gores Mill Road
Number of Signs: 2
Date of Posting: March 11, 1991
Date of return: March 15, 1991

CERTIFICATE OF PUBLICATION

TOWSON, MD. 3-26-91
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-20, 1991.

TOWSON TIMES,

S. Zeke Olson
Publisher

MICROFILMED

\$ 95.53

CERTIFICATE OF PUBLICATION

TOWSON, MD. 3-26-91
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-20, 1991.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

\$ 95.53

MICROFILMED

IN THE MATTER OF
THE APPLICATION OF
DENNIS G. SMITH
FOR A SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE NORTHEAST SIDE
MIDDLETOWN ROAD AT GORES MILL
ROAD
6TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 91-323-XA

ORDER OF DISMISSAL

This matter comes to the Board on appeal from a decision of the Deputy Zoning Commissioner which denied in part and dismissed in part the subject Petition.

WHEREAS, the Board is in receipt of a letter filed by Clark R. Shaffer, Esquire, Counsel for the late Dennis G. Smith, Appellant/Petitioner, on November 29, 1991 (a copy of which is attached hereto and made a part hereof) requesting withdrawal of the appeal; and

WHEREAS, said Counsel requests that the appeal filed in this matter be dismissed and withdrawn as of November 29, 1991,

IT IS HEREBY ORDERED this 11th day of December, 1991 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
William T. Hackett
William T. Hackett, Chairman

S. Diane Levero
S. Diane Levero
William Clark
C. William Clark

CLARK R. SHAFFER
ATTORNEY AT LAW
6 NORTH COURT STREET
WESTMINSTER, MARYLAND 21157
410/948-008

November 27, 1991

Baltimore County Board of Appeals
County Office Building
Room 315
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Dennis G. Smith
Middletown Road Property
Case No. 91-323XA

Dear Sir/Ms:

I represented the late Dennis Smith at the hearing before Ann Nastarowicz, Deputy Zoning Commissioner, concerning the above referenced property. Mr. Smith filed an Appeal from that Decision in his own name. However, this was done for convenience sake and Mr. Smith's intent was to retain myself and John Willis to represent him before the Board of Appeals.

Since that time, I've been in contact with Robert Rody, who is representing the estate of Dennis Smith. Mr. Rody has indicated to me by a telephone message that he wishes to withdraw the Appeal. To date, I have not received anything in writing from him. However, it is safe to state at this time that the Appeal should be withdrawn.

Very truly yours,

Clark R. Shaffer

CRS/mig

cc: John Willis, Esquire
Robert S. Rody, Esquire
T. Rogers Harrison, Esquire

14:1 Hld 62 NOV 16



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 11, 1991

Clark R. Shaffer, Esquire
6 North Court Street
Westminster, MD 21157

Re: Case No. 91-323-XA
Dennis G. Smith

Dear Mr. Shaffer:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Robert S. Rody, Esquire
T. Rogers Harrison, Esquire
Robert Spellman /
Spellman, Larson & Associates, Inc.
Captain Kevin L. Sansenbacher
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy W. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

bcc: Councilman Ruppensberger's office

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
PETITION FOR ZONING VARIANCE :
NE/S Middletown Rd. at Gore's : OF BALTIMORE COUNTY
Mill Rd.
6th Election District : Case No. 91-323-XA
3rd Councilmanic District :
DENNIS G. SMITH, Petitioner :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 21st day of June, 1991, a copy of the foregoing Entry of Appearance was mailed to Dennis G. Smith, 2809 Boston St., Condo 122, Baltimore, MD 21224; Clark R. Shaffer, Esquire, Weinberg & Green, 6 N. Court St., Westminster, MD 21157; and T. Rogers Harrison, Esquire, 105 W. Chesapeake Ave., Suite 300, Towson, MD 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - NE/S * DEPUTY ZONING
Middletown Rd at Gores Mill Rd. * COMMISSIONER
6th Election District * OF BALTIMORE
3rd Councilmanic District * COUNTY
Dennis G. Smith * Case No: 91-323-
Petitioner * XA

NOTICE OF APPEAL

Mr. Zoning Commissioner:

The Petitioner above, Dennis G. Smith, whose address is 2809 Boston Street, Condo 122, Baltimore, Maryland 21224 and whose home phone number is 301-558-2345, appeals the decision of the Deputy Zoning Commissioner in the above captioned matter dated May 29, 1991

Dennis G. Smith
DENNIS G. SMITH
2809 Boston Street
Condo 122
Baltimore, Maryland 21224

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 31st day of May, 1991, a copy of the foregoing Notice of Appeal was mailed, first class, postage prepaid to the following individuals:

1. T. Rogers Harrison, Esquire, 105 W. Chesapeake Avenue, Suite 300, Towson, Maryland 21204.
2. Peoples Council, Court House, Towson, Maryland 21204.
3. Ann M. Nastarowicz, Deputy Zoning Commissioner, Room 109, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Dennis G. Smith
DENNIS G. SMITH
Petitioner/Appellant

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - NE/S * DEPUTY ZONING COMMISSIONER
Middletown Rd. at Gores Mill Rd. * OF BALTIMORE COUNTY
6th Election District * Case No. 91-323-XA
3rd Councilmanic District *
Dennis G. Smith *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a golf course and/or country club, and variances to permit the erection of two (2) freestanding, 4' x 8' double-faced signs, for a combined total of 128 sq.ft. in lieu of the permitted one (1) sq.ft. sign, all as more particularly described on Petitioner's Exhibit 1.

At the onset of the hearing, Petitioner requested an amendment to the special exception request by adding the following language:

"a special exception for a Golf Course and/or Country Club, including, but not limited to, a Pro Shop, a Nine Hole Golf Course, Basketball Courts, Tennis Courts, a Pool Complex, a Club House, a Hall, a Restaurant, a Lounge, a Playground, a Pavilion, Recreational Fields, and related accessory uses on the subject property."

Counsel for the Protestants agreed to the requested amendment and Petitioner's motion, with good cause showing, was granted.

The Petitioner appeared, testified and was represented by Clark R. Shaffer, Esquire. Also appearing on behalf of the Petitions were Robert Spellman, Professional Engineer. Numerous residents of the area, including the Freeland Community Association, appeared as Protestants in the matter and were represented by T. Rogers Harrison, Esquire.

Testimony indicated that the subject property consists of 44.17 acres more or less zoned R.C. 2, is located at the intersection of

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Date *5/31/91*
By *[Signature]*

Middletown Road and Gores Mill Road and is currently used for agricultural purposes. The property in question has an extensive zoning history which, in brief, is as follows:

-- Case No. 80-141-X, request for special exception for country club, golf course and related uses denied by the Deputy Zoning Commissioner by Order dated October 14, 1980;

-- Deputy Zoning Commissioner's Order in Case No. 80-141-X denying requested relief affirmed by the Baltimore County Board of Appeals by Order dated January 8, 1982;

-- February 5, 1982, Petitioner filed an Order for appeal to the Circuit Court for Baltimore County; the Court ultimately dismissed Petitioner's appeal for failure to comply with Rule B-12 which required a memorandum to be filed within 30 days after being notified by the Clerk of the filing of the record;

-- The Maryland Court of Special Appeals affirmed the Circuit Court's Order of February 5, 1981 on January 5, 1984 on Petitioner's appeal;

-- Petitioner's writ of certiorari to the Maryland Court of Appeals is denied by Order of that Court on May 28, 1984.

Petitioner now comes before the Deputy Zoning Commissioner requesting essentially the same relief which precipitated the aforementioned zoning history. Petitioner's only witness, other than himself, was Robert Spellman, a registered land surveyor. Mr. Spellman testified generally to the layout of the site, its current use, the surrounding area uses and zoning classifications. Mr. Spellman testified that he had visited various golf courses in the area to assess the compatibility of the subject site to accommodate a golf course.

Dennis Smith testified generally to the "concept" of his proposal. He indicated that the club will offer private memberships at approximately \$10,000 per family. He testified there would be different classes of membership, based on the number of services requested (golf, tennis, pool

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By *[Signature]*

social privileges, etc.). Mr. Smith testified generally to the services and activities that will be offered at the club and the hours of operation. Testimony indicated that the outdoor recreational activities would be offered during the warm months; approximately 4 to 5 months out of the calendar year.

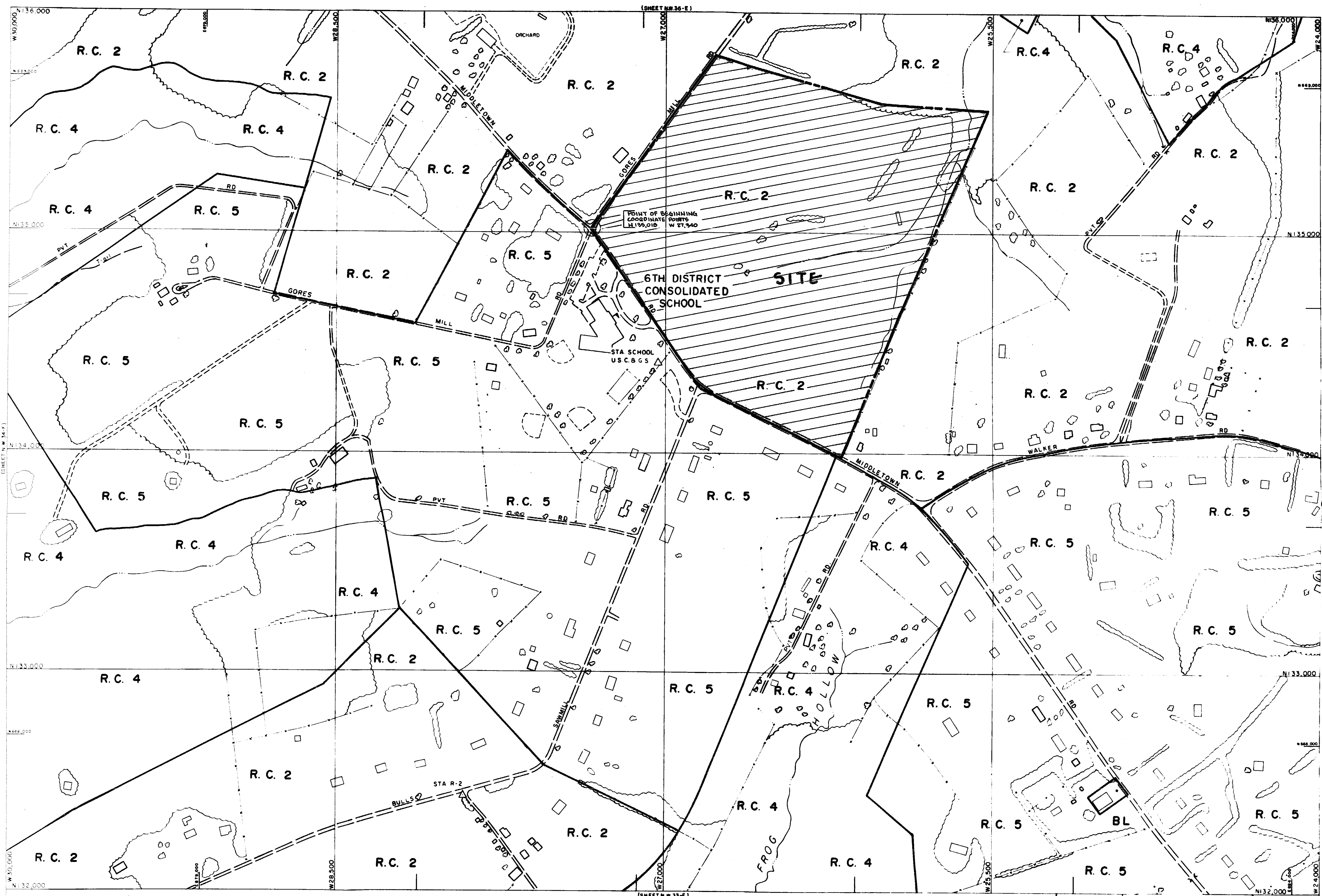
The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner did not present sufficient evidence that would show that the proposed use met the requirements set forth above. There was no expert testimony relative to the effect the proposed combined uses would have on traffic patterns in the community. In fact, Petitioner made it abundantly clear that the plans before the Deputy Zoning Commissioner at the hearing in this matter were merely "conceptual" in nature. Petitioner argued the details would be addressed at the time of CRG review of the proposal. The Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

Section 502.1 of the B.C.Z.R. reads as follows:

"Before any Special Exception may be granted, it must appear that the use for which the special exception is requested will not:

- a) Be detrimental to the health, safety or general welfare of the locality involved;
- b) Tend to create congestion in roads, streets or alleys therein;
- c) Create a potential hazard from fire, panic or other dangers;
- d) Tend to overcrowd land and cause undue concentration of population;

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By *[Signature]*



KK - NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-AP
De La
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

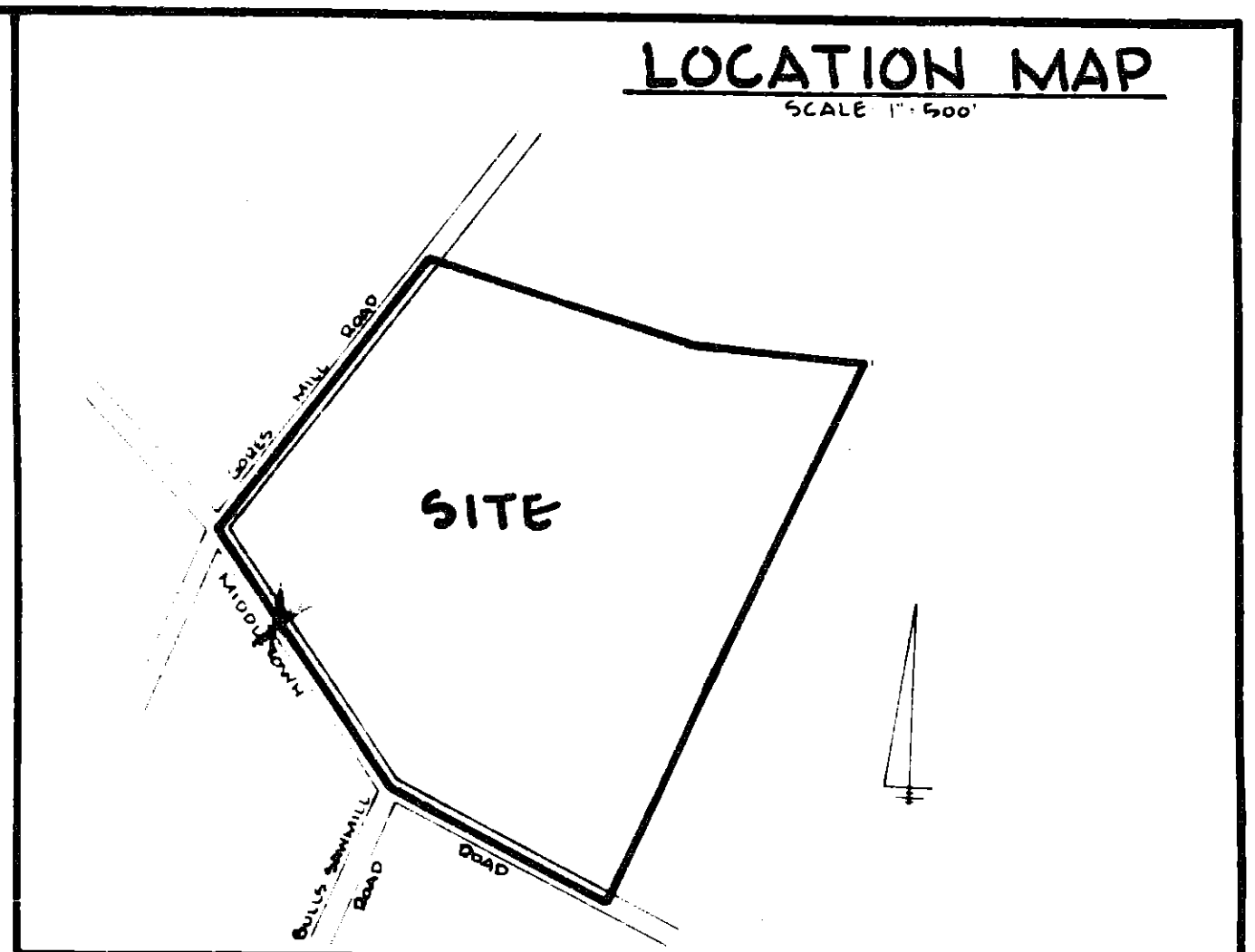
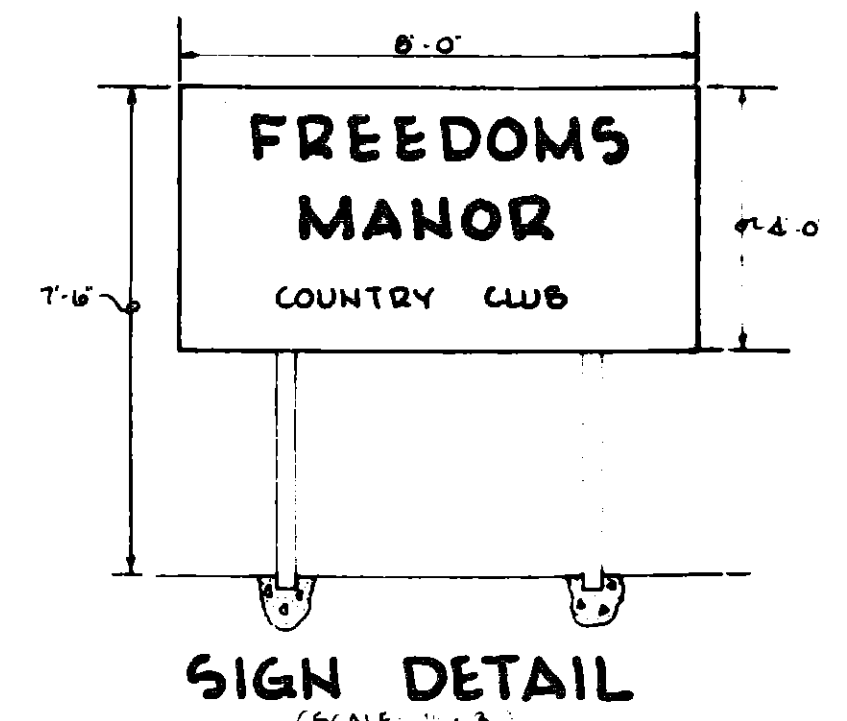
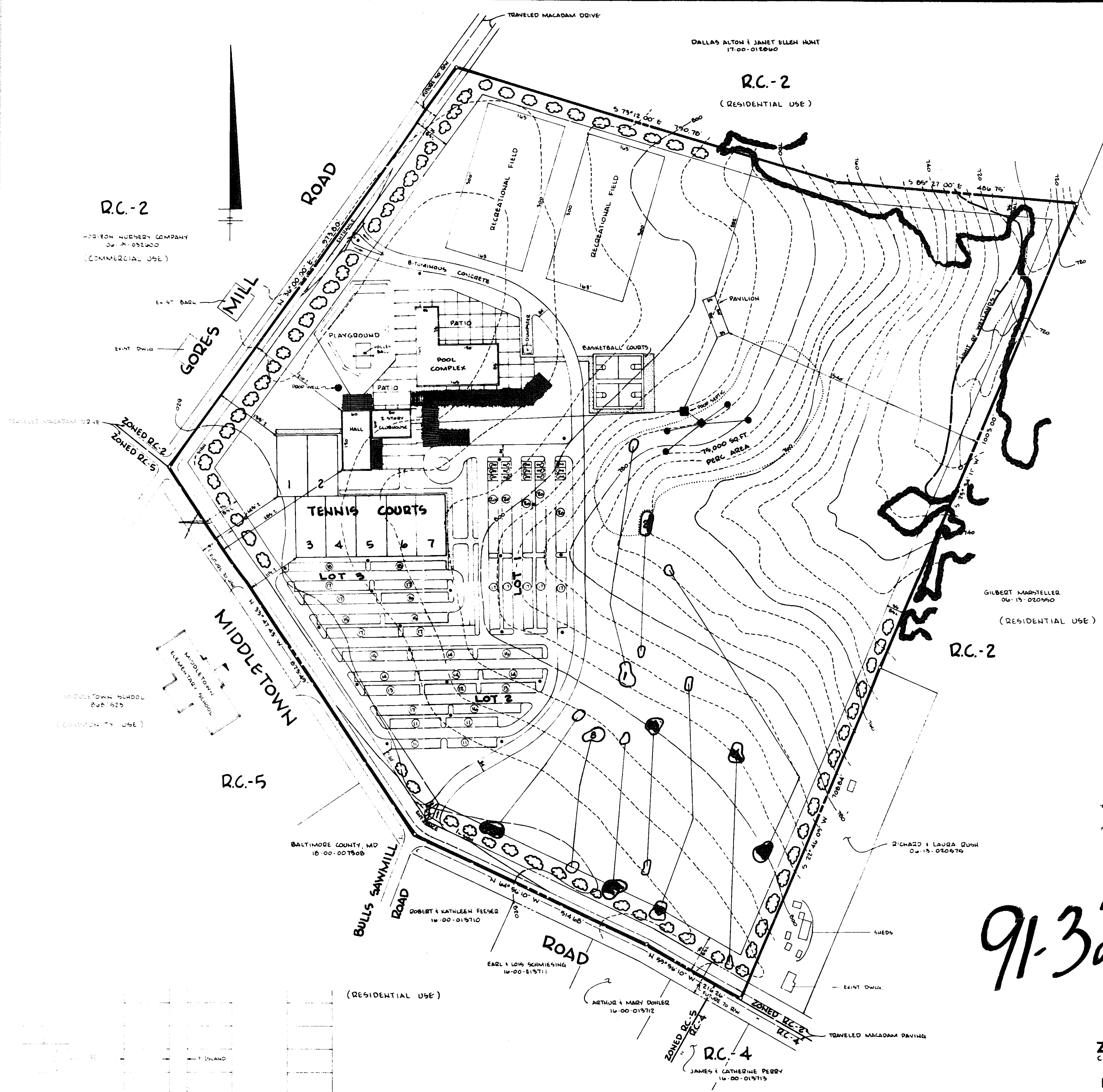
#294

SCALE 1" = 200' ±	LOCATION 6TH DISTRICT CONSOLIDATED SCHOOL	SHEET NW 34-E
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

91-323-XA

MICROFILMED



GENERAL NOTES:

1. AREA OF TRACT 220.05 - 44.170 AC ± NET 45.440 AC ±
2. PRESENT USE UNIMPROVED AGRICULTURAL PARCELS THE COUNTRY CLUB, EXECUTIVE GOLF COURSE & RELATED USES.
3. EXISTING ZONING RC-2
4. ALL PARKING SHALL BE CONTIGUOUS CONCRETE
5. SPECIAL EXCEPTION TO ALLOW A COUNTRY CLUB (WITH AN EXECUTIVE GOLF COURSE & OTHER RELATED USES) IN AN EXISTING ZONING RC-2
6. PARKING SPACE SIZE 9' x 25' TYPICAL
7. CURBS OR A CURB NOT LESS THAN 6" WIDE AND 4" HIGH WILL BE PROVIDED AROUND EVERY PARKING LOT
8. OWNER DENNIS G. SMITH
DEED 4106771
TAX ACCOUNT DU 28 065450
9. 6. DEMONSTRATE PROPOSED LIGHTS
10. NO BUILDING THAT IS TO BE BUILT ON THIS PROPERTY SHALL EXCEED 35' IN HEIGHT.
11. ALL PARKING AREAS & DRIVES SHALL BE PERMANENTLY STRIPED.
12. THERE ARE NO HISTORIC BUILDINGS, ARCHITECTURAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON THIS SITE.
13. A TREE LINE SHALL BE USED AS A BUFFER TO PROTECT ADJOINING PROPERTIES.
14. LIGHTING SHALL BE SELECTED SO AS NOT TO REFLECT LIGHTS INTO ADJACENT MOTORWAYS, INTO THE PATH OF ONCOMING TRAFFIC OR ONTO ANY ADJACENT PROPERTY OWNERS.
15. FLOOR AREA RATIO 1.000' ±. (1,200 SF - 1,924,045.2 SF)
16. LOCAL MANIC DISTRICT 3

PARKING CALCULATIONS:

PARKING REQUIRED:		
TENNIS COURTS	3 SPACES/LOT	3 x 1 = 3
EXECUTIVE GOLF COURSE	8 SPACES/HOLE	8 x 9 = 72
PROPOSED 2 HOLE GOLF COURSE	(400 x 800) 4800 SQ FT PER HOLE	
PROPOSED 2 HOLE GOLF COURSE	(2400 SQ FT) 24 x 30	40 PARKING SPACES
OFFICES	(1400 SQ FT) 24 x 30	8
CLUBHOUSE	(4800 SQ FT) 48 x 30	96
CLUBHOUSE BANQUET HALL	(1200 SQ FT) 12 x 30	144
BASKETBALL COURTS (2)	3 x 2	3
RESTAURANT LOBBY	(1) 3 x 1	3
PAVILION (HEATING PAD 200)	200 x 4	90
TOTAL PARKING SPACES REQUIRED:		253
TOTAL PARKING SPACES PROVIDED:		253
PARKING SPACES INCLUDE (9 HANDICAP)		
LOT 1	105	PARKING SPACES
LOT 2	135	
LOT 3	135	
HIGHWAY W/ LANE 11.50' W/ 12' 49.5' 20' FT		
0.04' ALONG DAIKIN GOLF MILL ROAD		
0.04' ALONG MIDDLETOWN ROAD		

ZONING CASE HISTORY:

CASE NO. DO 141-K SPECIAL EXCEPTION DENIED OCTOBER 14, 1980

NOTE:
OWNERSHIP OF TRACT DUE TO CENTERLINE OF ROADS. NO PUBLIC RIGHT-OF-WAYS HAVE BEEN TAKEN.

NOTE:
THE EXISTING TOPOGRAPHY SHOWN ON THIS PLAN WAS TAKEN FROM A PLAN PREPARED BY GEORGE W. STEPHENS & ASSOC., INC.

91-323-XA

#294
EXHIBIT 1

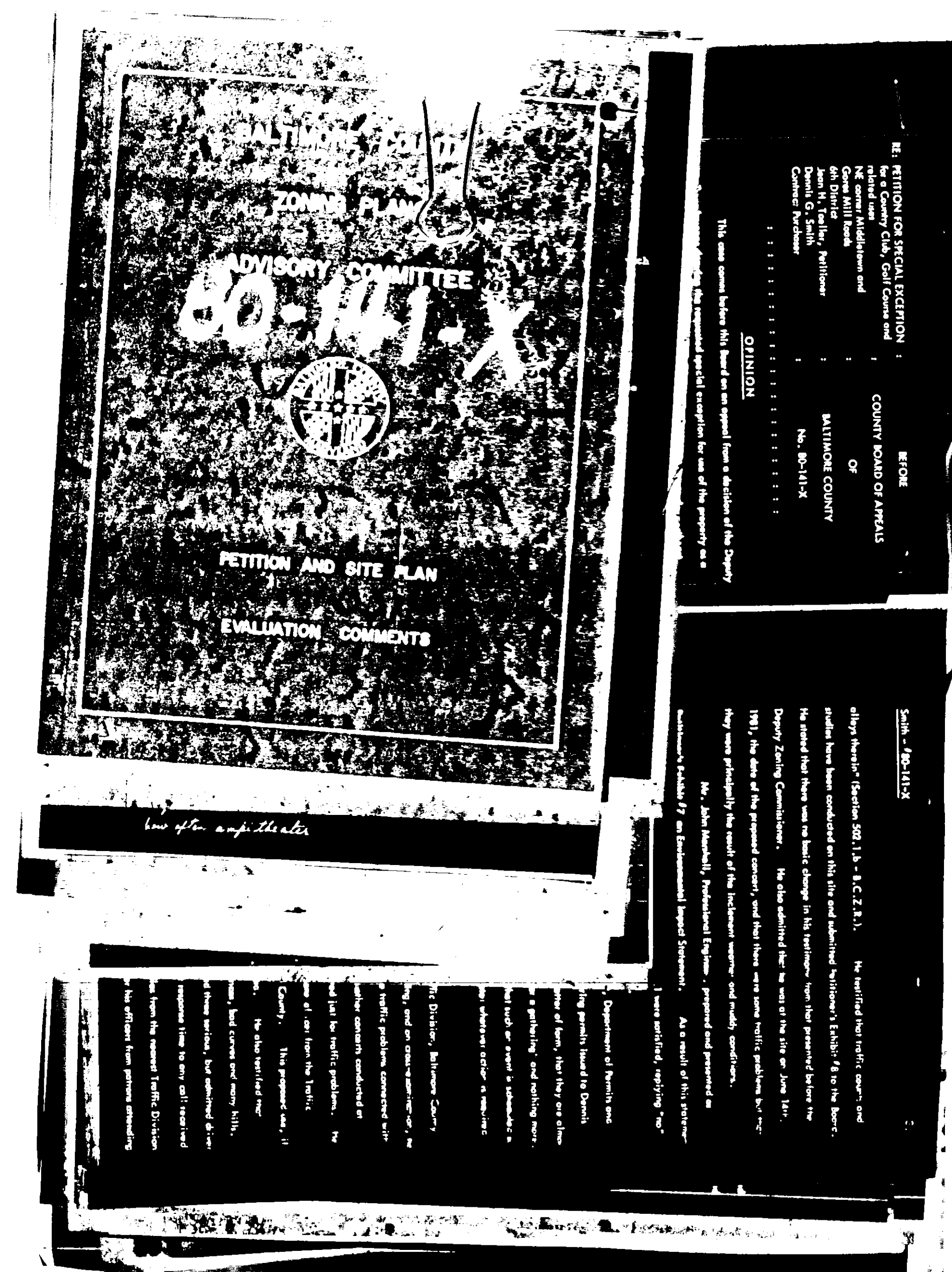
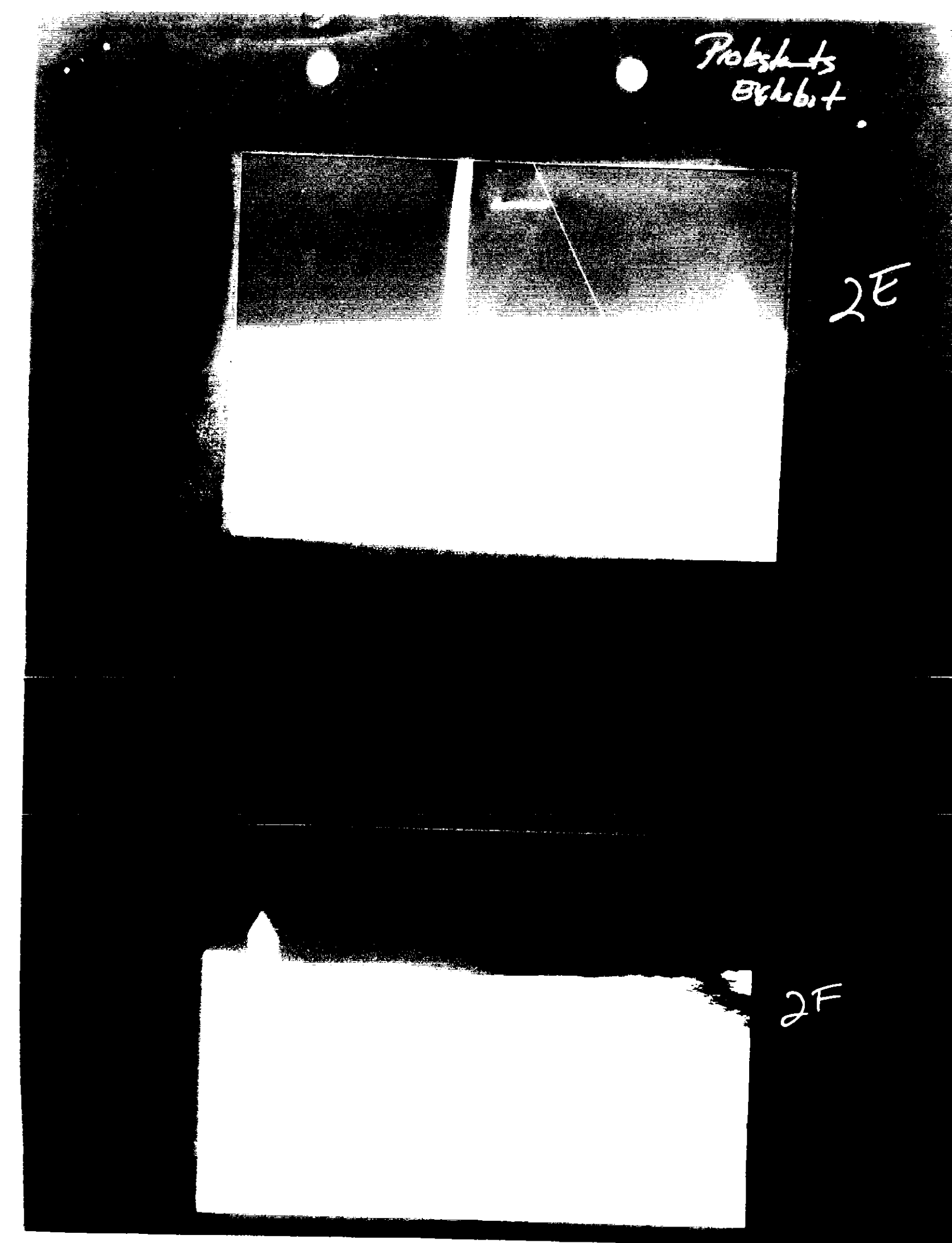
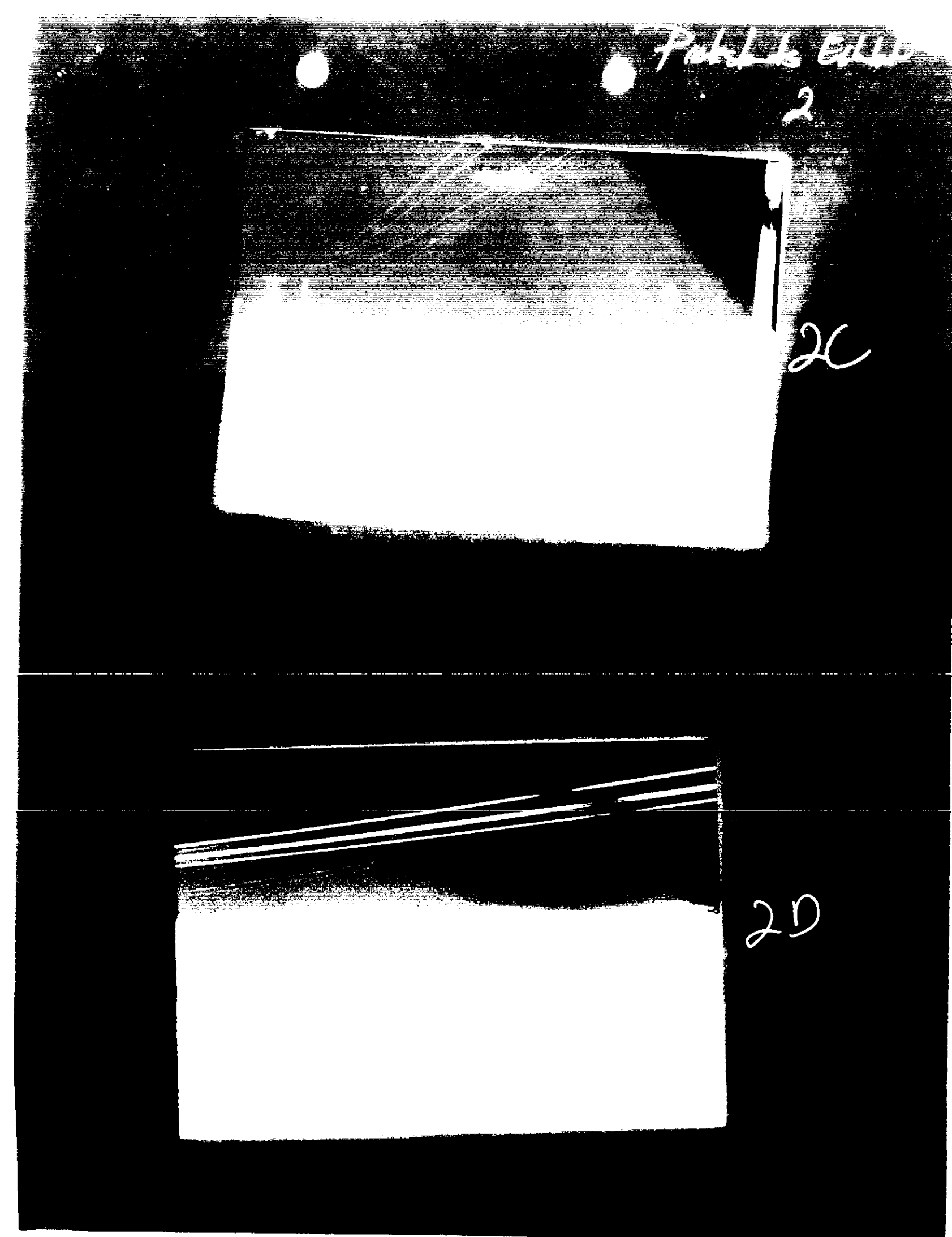
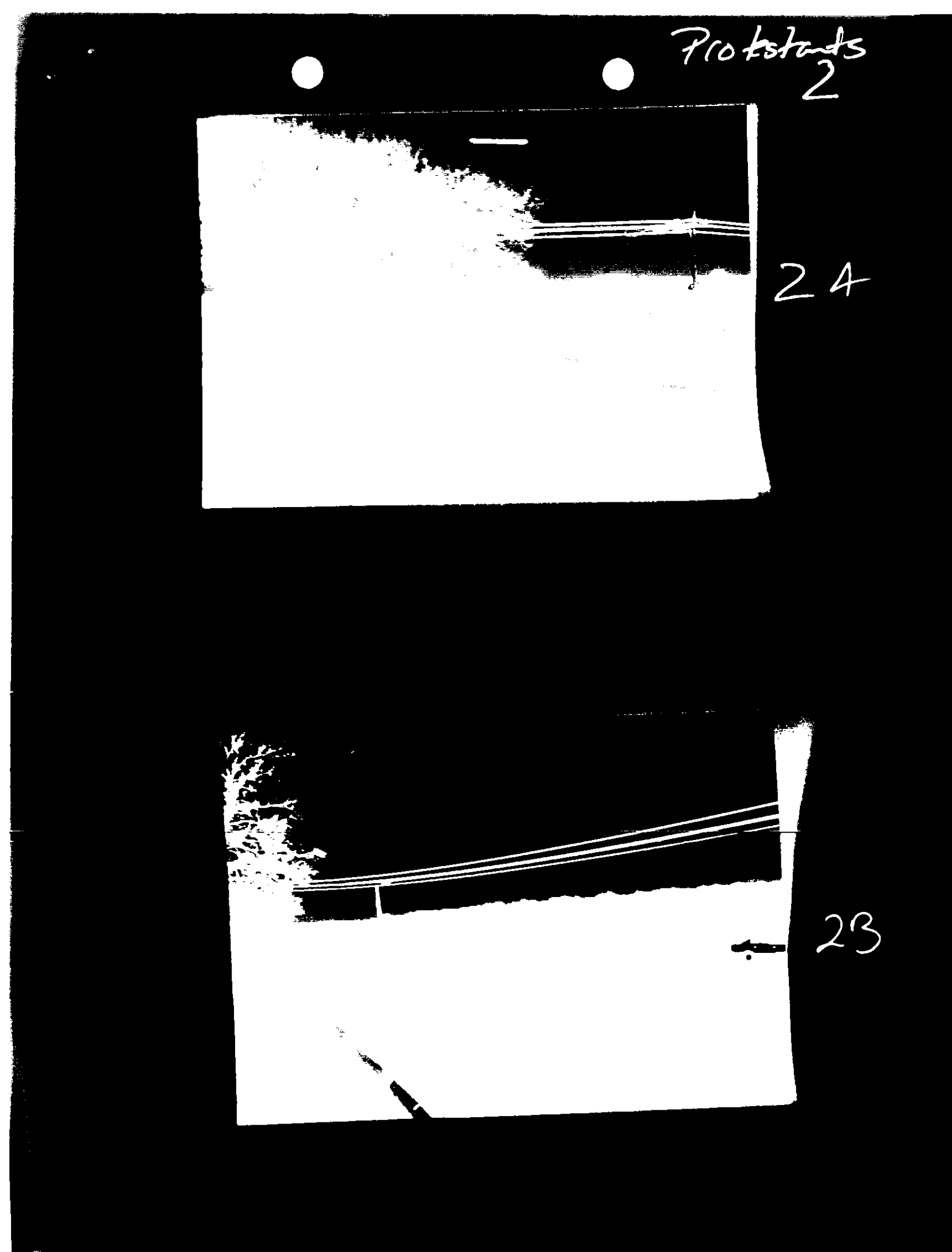
REVISIONS	
NO.	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3535

OWNER
DENNIS G. SMITH
1323 DAIRY ROAD
PARKTON, MD 21120

PLAT TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION & ZONING VARIANCE
FREEDOM'S MANOR
EXECUTIVE GOLF COURSE
6TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

SCALE 1" = 100' DES BY: JMB
DATE: JANUARY 21, 1991 DRN BY: JMB SHT. 1 OF 1



PROTESTANT(S) SIGN-IN SHEET

VALERIE
A. BARON
ROBERT
BARON

DECLASSIFICATION AUTHORITY: 25X-21, 25X-22

*SPEAK
PLEASE

PETITIONER(S) SIGN-IN SHEET

ADDRESS
2809 GASTON ST.
~~BALTO. MD 21204~~



PUBLIC COURSES	Holes	Slope	Back	Middle	Front
Diamond Ridge	18	119	6,538	6,356	5,864
Longview	18	108	6,113	-----	5,788
Pine Ridge	18	117	6,820	6,390	5,734
Rocky Point	18	N/A	6,753	6,482	5,780
Tom Mitchell's	9	N/A	-----	3,600	-----

**PRISONER'S
EXHIBIT 3**

WHEREAS, by Article XI-A of the Maryland Constitution, the General Assembly is authorized to provide a grant of "express powers" to counties that form a charter government; and